

PORTAGE COUNTY JUVENILE COURT LOCAL RULES OF PRACTICE

Amended Effective April 22, 2022

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**COMMON PLEAS COURT OF PORTAGE COUNTY, OHIO
JUVENILE DIVISION
LOCAL RULES
TABLE OF RULES**

Conduct and operations in the Court of Common Pleas, Portage County, Ohio, Juvenile Division, are governed by the Ohio Revised Code, the Rules of Superintendence of the Supreme Court of Ohio and by the Local Rules. All persons before this Court should familiarize themselves with all applicable law. References to “this Court” or “the Court” are to the Court of Common Pleas, Portage County, Ohio, Juvenile Division.

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LOCAL RULE 1 CONSTRUCTION OF RULES

- 1.01 These Rules are adopted by the court and are intended to provide for the management of proceedings and other functions of the Juvenile Court and to supplement and complement the Ohio Rules of Juvenile Procedure, the Ohio Rules of Civil Procedure, the Rules of Superintendence for the Courts of Ohio and controlling statutes.

LOCAL RULE 2 FILING BY FACSIMILE TRANSMISSION

The provisions of this local rule are adopted under Rule 8 of the Ohio Rules of Juvenile Procedure.

Pleadings and other papers may be filed with the Juvenile Court by facsimile transmission to (330) 297-2227 subject to the following conditions:

APPLICABILITY

- 2.01 These rules apply to juvenile proceedings in the Portage County Juvenile Court.
- 2.02 Fax means the same as facsimile.
- 2.03 The following documents **will not be accepted** for fax filing:
- 1) any pleading which requires an accompanying filing fee;
 - 2) any pleading that exceeds ten (10) pages, including attached exhibits, and cover page;
 - 3) any complaint; and
 - 4) pleadings in special juvenile proceedings, including but not limited to parental by-pass proceedings and petitions for protection orders.

ORIGINAL FILING

- 2.04 A document filed by fax shall be accepted as the effective original filing. The person making a fax filing need not file any source document with the Clerk of Court but must maintain in his or her records and have available for production on request by the Court the source document filed by fax, with original signatures as otherwise required under the applicable rules, together with the source copy of the facsimile cover sheet used for the subject filing. If the fax is not legible, the original document shall be filed with the Court.

COVER PAGE

- 2.05 The person filing a document by fax shall also provide therewith a cover page containing the following information:
- 1) Name of the Court;
 - 2) Title of the case;
 - 3) The case number;
 - 4) The assigned Judge/Magistrate, if known;

- 5) Title of the document being filed (e.g. Plaintiff's Motion to Modify Support; Defendant's Answer to Plaintiff's Complaint);
- 6) Date of the transmission;
- 7) Transmitting fax number;
- 8) Number of pages in the transmission, including the cover page;
- 9) Name, address, telephone number and Supreme Court Registration number, if applicable, of the person filing the fax document, if available.

- 2.06 If a document is sent by fax to the Juvenile Court, without the cover page listed above, the document will not be filed. The clerk shall notify the sender that no cover page was received by faxing to the fax number of the sender such notation and this Rule was violated.

SIGNATURE

- 2.07 A party who wishes to file a signed source document by fax shall fax a copy of the signed source document or if the document is sent directly from the person's computer the notation "/S/" followed by the name of the person signing the document.
- 2.08 A party who files a signed document by fax represents that the physically signed source document is in his/her possession.

EXHIBITS

- 2.09 Each exhibit to a fax-produced document that cannot be accurately transmitted via fax transmission for any reason must be replaced by an insert page describing the exhibit(s) and why it is missing. Unless the Court otherwise orders, the missing exhibit(s) shall be filed with the Court, not later than five (5) Court days following the filing of the facsimile document. Failure to file the missing exhibit(s) as required by this paragraph may result in the Court striking the document and/or exhibit.
- 2.10 Any exhibit filed in this manner shall be attached to a cover sheet containing the caption of the case which sets forth the name of the Court, title of the case, the case number, name of the Judge/Magistrate, and the title of the exhibit being filed and shall be signed and served in conformance with the rules governing the signing and service of pleadings in this Court.

TIME OF FILING

- 2.11 Subject to the provisions of these rules, all documents sent by fax and accepted by the Clerk shall be considered filed with the Juvenile Court as of the date and time the Clerk time-stamps the document received, as opposed to the date and time of the fax transmission.
- 2.12 The risks of transmitting a document by fax to the Clerk's Office shall be borne entirely by the sending party. Burden of confirming receipt of a fax filing is on the sending

party. Anyone using fax filing is urged to verify receipt of such filing by the Clerk through whatever technological means are available.

- 2.13 The Juvenile Court is not required to send any form of notice to the sending party of a failed fax filing, except as to Local Rule 2.06.

FEES AND COSTS

- 2.14 Pursuant to ORC 2303.20(Y), an additional fee will be assessed for each electronic transmission, plus an additional fee for each page of that document. See **Appendix A**.

LENGTH OF DOCUMENT

- 2.15 Fax filings shall not exceed ten (10) pages in length including attached exhibits and cover page. The filer shall not transmit service copies by fax.

LOCAL RULE 3 SERVICE

GENERAL REQUIREMENTS

- 3.01 A request for service must be accompanied by an Instruction to Clerk for Service form identifying the type of service and a time stamped copy of the document to be served. In all Private, Delinquent and Unruly cases, the Court Bailiff will not provide service. This applies to all pleadings and documents, including complaints, motions and subpoenas.
- 3.02 Unless otherwise requested and approved, or otherwise referenced in these Local Rules, and/or Rules of Civil/Juvenile Procedure, all service shall be by certified mail. It remains the responsibility of the party seeking the action or relief to secure service of process in accordance with the Ohio Rules of Civil Procedure. **(See Local Rule 20 Contempt Motions).**

SPECIAL PROCESS SERVER

- 3.03 One-Time Appointment: If a party desires personal service to be made by a special process server pursuant to Civil Rule 4.1, the party or counsel must file with the Court a Motion and Order seeking appointment of a special process server. The following must be stated in the Order of Appointment: (a) The name of the person to be appointed as process server; (b) That the person to be appointed as process server is 18 years of age or older; (c) That the person to be appointed process server is not a party to the action.
- 3.04 Continuing Appointment: A person may apply to be designated as a “Standing Special Process Server” for cases filed in this Court by filing an application supported by affidavit setting forth the following information: (a) The name, address and telephone number of the applicant; (b) That the applicant is 18 years of age or older; (c) That the applicant agrees not to attempt service of process in any case in which the applicant is a party or counsel for a party; (d) That the applicant agrees to follow the requirements of

Civil Rules 4 through 4.6, and any applicable local rules, and specific instructions for service of process as ordered by this Court. The applicant shall also submit an order captioned “In re The Appointment of (name of applicant) As Standing Special Process Server”, and stating as follows: “It appearing to the Court that the following applicant has complied with the provisions of the Portage County Juvenile Court Local Rules, (name of applicant) is hereby designated as a Standing Special Process Server authorized to make service of process in all cases filed in this Court, to serve until further order of the Court.” The Juvenile Court shall record such appointment on the Court’s General Docket, and shall retain the original applications and entries. In any case thereafter, the Juvenile Court shall accept a time-stamped copy of such order as satisfying the requirements of Civil Rule 4.1 for designation by the Court of a person to make service of process.

WHO MUST BE SERVED

- 3.05 All persons who are parties in the case as defined in Juvenile Rule 2(Y), must be served, except the child who is the subject of a dependency, neglect, abuse, or custody claim, unless the Court otherwise directs.
- 3.06 If a party is represented by an attorney, service on the party may be achieved by serving the attorney of record. Initial pleadings must be served on the party, not their attorney.
- 3.065 Foster caregivers, kinship caregivers and prospective adopting parents, see Rule 23.175.

SERVICE BY PUBLICATION

- 3.07 Pursuant to Ohio Juvenile Rule 16(A), service by publication can be made by newspaper publication or by posting and mail. Service by publication of a Motion for Permanent Custody must be accomplished by newspaper if the address of the party is unknown.
- 3.08 A request for service by publication must be accompanied by an affidavit executed by the party or the party’s attorney. The affidavit shall aver that service of summons cannot be made because the residence of the person is unknown to the affiant, all of the efforts made on behalf of the party to ascertain the residence of that person, and that the residence of that person cannot be ascertained with reasonable due diligence. The affidavit must also state the last known address of the person to be served.
- 3.09 Publication by newspaper:
 - 1) The Clerk will serve notice by publication in a newspaper of general circulation in Portage County;
 - 2) A request for service by publication in a newspaper shall include the following information to be included in the notice: the case number, the name of the first party on each side, the name and last known address of the person who is to be served, and a summary statement of the allegations made in the complaint. The Clerk will fill in the date and time of the hearing.

- 3) A request for service by publication by newspaper shall be submitted at least fifteen (15) days before the date and time of the hearing stated in the notice, and the date of the hearing shall not be less than seven (7) days after the date of publication;
- 4) The publication will be published one time and service is considered complete on the date of publication.
- 5) The publisher or the publisher's agent shall file an affidavit stating that the notice by publication was published and provide a copy of the notice to the Court. This affidavit and the copy of the notice will constitute proof of service and shall be remitted to the court prior to the date of the hearing stated in the notice.

3.10 Publication by posting and mail:

- 1) The Clerk will serve notice by publication by posting and mail as set forth below;
- 2) A request for service by publication by posting and mail shall include the following information to be included in the notice: the case number, the name of the first party on each side, the name and last known address of the person who is to be served, a summary statement of the allegations made in the complaint. The Clerk will fill in the date and time of the hearing;
- 3) A request for service by publication by posting and mail shall be submitted at least fifteen (15) days before the date and time of the hearing stated in the notice;
- 4) Upon request, the Clerk may post service in a conspicuous place in the Juvenile Courthouse, and in the following public places within the county: Portage County Common Pleas Courthouse, 203 West Main Street, Ravenna, Ohio 44266 and Portage County Administration Building, 449 South Meridian Street, First (1st) Floor, Ravenna, Ohio 44266;
- 5) In addition to posting the notice, the Clerk shall mail summons or other pleading to be served, by ordinary mail with a certificate of mailing obtained from the U.S. Postal Service, address correction requested, to the last known address of the party to be served, if known;
- 6) If the Clerk is notified of a corrected or forwarding address for the party to be served within the seven (7) day period that the notice is posted pursuant to this rule, the Clerk must mail the summons or other pleading to be served, by ordinary mail with a certificate of mailing, to the corrected or forwarding address;
- 7) Upon completion of service by posting and mail, the Clerk shall docket where and when the posting was completed and a copy of all certificates of mailing;
- 8) Service is complete when the notation of posting and mail is docketed by the Clerk.

LOCAL RULE 4 COURTROOM DECORUM AND SECURITY

Proper decorum in Court is necessary for the proper administration of the Court's business.

- 4.01 All persons entering the Juvenile Court facility are subject to the provisions of the Court's Security Policy and Procedure Plan.

- 4.02 All persons are subject to search. No person carrying a bag, case, or parcel shall be permitted to enter or remain in any courtroom without first, if requested by the Court, submitting such bag, case or parcel to security personnel for inspection.
- 4.03 All parties and witnesses shall wear appropriate business casual attire. The following attire is not appropriate: bare feet, flip flops, cutoffs, tank tops, visible undergarments, excessively revealing attire, any attire which contains offensive language or pictures (including sexual, drug, tobacco or alcohol related). Attorneys for the parties shall be dressed in professional attire.
- 4.04 Chewing gum, food and beverages are prohibited in the courtroom at all times.
- 4.05 Except for those who are witnesses, victims, or subjects of the proceeding, children are not permitted in the courtroom unless by consent of the Court. Children who are permitted in the courtroom shall be accompanied by an adult who will be solely responsible for their safety, care and behavior.
- 4.06 Unless otherwise allowed, prior to entering any courtroom, all cellular telephones and electronic devices shall be turned off. Failure to do so may result in the confiscation of the cellular telephone/electronic device until completion of the hearing and imposition of a fine of up to \$50.00.
- 4.065 No photographs, video taping, electronic imaging, etc. of any persons, especially children under the age of 18 years, on Portage County Juvenile Court property. Violators will be deemed trespassers and be evicted from the premises. Violators' cameras, recording devices, cell phone or electronic maker of images shall be confiscated pending hearing.
- 4.07 Persons committing any violation of proper conduct shall be removed from the courtroom, hallway, entryway or courthouse by security personnel charged with the enforcement of this Rule.
- 4.08 All parties, attorneys and witnesses shall be present, prepared and ready to appear before the Court at the assigned hearing time. Arriving at the courthouse at the assigned hearing time does not constitute compliance with this Rule. If counsel or a party is unavoidably delayed, notice must be given to the Judge or Magistrate as early as possible. Counsel shall make all reasonable efforts to engage substitute counsel in the event of an unexpected absence.
- 4.09 Counsel and parties shall act in a professional and respectful manner. Argument should be directed to the Court and not opposing counsel or the parties.

LOCAL RULE 5 HOURS OF THE COURT

- 5.01. The Portage County Juvenile Court shall be open for transaction of business from 8:00 a.m. to 4:00 p.m., Monday through Friday, with legal holidays as observed by law. Detention hearings and daily arraignments shall be held at 8:30 a.m. The Juvenile Clerk

of Court, at the discretion of, and upon Order of the Judge, may vary hours and days for matters of extraordinary nature or importance.

- 5.02 The Court shall sit in session between the hours of 8:00 a.m. and 4:00 p.m. At their discretion, the Judge or Magistrates may schedule hearings at other times.

LOCAL RULE 6 COURT COSTS, WITNESS FEES AND SUBPOENAS

The Clerk shall maintain a schedule of court costs, including the sums that are to be deposited as security for costs at the same time as the filing of the pleadings, and those costs that are to be assessed during the pendency of a case. Said costs are set forth in the attached Schedule of Filing Fees (Appendix A). The Clerk's Office shall not accept any action or filing without the requisite filing fee.

- 6.01 No costs deposit shall be required of the Portage County Department of Job and Family Services and Child Support Enforcement Agency for those cases filed in the conduct of their official business.
- 6.02 In cases of indigence, the Court may waive payment of filing fees at the time of the filing of the pleading. The party requesting waiver must file a Motion to Waive Filing Fee, accompanied by a completed and sworn to affidavit of indigence, on the same document used for court appointed counsel. The substantive pleading shall be filed at the same time. The Motion to Waive Filing Fee does not relieve a party from liability to pay the court costs.
- 6.03 All costs in delinquency, unruly, traffic, and adult cases may be assessed at the discretion of the Court.
- 6.04 An alleged juvenile or adult offender seeking to issue a subpoena must timely file a subpoena. No witness fee is required at the time of filing the subpoena for service on in-county addresses. Any costs associated with the issuance of a subpoena shall be assessed at the conclusion of the case.
- 6.05 All out of county subpoenas must be accompanied by a check made payable to the witness in the amount of one-half or one full day's witness fees and round-trip mileage. Any indigent party requesting the issuance of a witness fee check by the Clerk must have first filed an affidavit of indigency approved by the Court.
- 6.06 All subpoenas served by counsel/parties shall be filed and served in conformity with the applicable Ohio Rules of Civil Procedure, Criminal Procedure and Juvenile Procedure. Counsel/Parties shall file a completed return on all subpoenas served by them or their designated agent. The Clerk shall not attempt service of a subpoena by certified mail on behalf of any party.

- 6.07 If counsel/party fails to provide a sufficient number of copies for service, processing, filing, etc. they will be charged for the cost of copying these documents as set forth in **Appendix A**.

LOCAL RULE 7 RECORD OF THE PROCEEDINGS

- 7.01 All matters heard by the Judge or a Magistrate will be recorded via the Juvenile Court's audio tape or digital recording system. This electronic recording is the Court's official record.
- 7.02 No parties, witnesses or other participants in a court hearing may use a recording device of any type in the courtroom without express permission granted by the Court. Any requests to independently record the court proceedings shall be made in writing and filed with the Court at least five (5) days before the hearing.
- 7.03 Upon written request with the Clerk, a party may request a typewritten transcript of the proceedings. A praecipe indicating a transcript has been ordered shall be filed with the Court. Within ten (10) days of the request, a Court Reporter shall prepare a written estimate of the cost of the transcript and notify the requesting party of same. A deposit of one-half (1/2) the estimated costs of the transcript must be paid by the requesting party to the Court Reporter within fourteen (14) days of the issuance of the written cost estimate or the request will be considered withdrawn. Upon payment of a required deposit an official typewritten transcript shall be prepared from the digital recording. Transcripts will be completed within a reasonable time. The balance of the transcript costs must be paid to the Court Reporter within ten (10) days of the completion of the transcript. The transcript shall not be released by the Court Reporter or filed into court unless the balance is paid. If the balance to the Court Reporter is not paid within twenty-one (21) days the Court Reporter shall file a pleading indicating a transcript will not be filed. The Objections to factual issues may be dismissed unless a transcript is filed.
- 7.04 If a transcript is requested, it must be ordered at the time the Objection to a Magistrate's Decision, Motion to Set Aside a Magistrate's Order or an appeal is filed.
- 7.05 When a request for a transcript is filed for any reason other than to file an objection to a Magistrate's Decision, Motion to Set Aside a Magistrate's Order or an appeal, the person shall file a motion stating the purpose for which the transcript is requested, with a proposed order. Any such transcript requested under this section shall be provided only upon order of the Court and upon deposit of costs for the preparation of the transcript.

LOCAL RULE 8 COURT RECORDS

NON-PUBLIC RECORDS

- 8.01 Without court permission the following records will not be made available to the public, including any party to the case:

- (a) Child Abuse, Neglect and Dependency investigative records pursuant to O.R.C. Section 5153.17 and 2151.421(H)(1);
- (b) Confidential law enforcement investigatory records pursuant to O.R.C. Section 2151.141(B)(2)(b) and Section 149.43(A)(1)(h);
- (c) Victim Impact Statements pursuant to O.R.C. Section 2152.19(D)(3);
- (d) Records relating to parental notification of abortion proceedings pursuant to O.R.C. Section 2151.85(F) and Section 149.43(A)(1)(c);
- (e) Fingerprints or photographs of a child arrested or taken into custody pursuant to O.R.C. Section 2151.313;
- (f) Sealed or Expunged juvenile adjudications or arrests pursuant to O.R.C. Section 2151.358;
- (g) Names, documentation, or other identifying information regarding foster caregivers pursuant to O.R.C. Section 5101.29(D)(1);
- (h) All confidential records maintained in the Court's unofficial files, including the following:
 - (1) Court-ordered diagnostic assessments, mental and physical examinations;
 - (2) Records and reports of the probation department;
 - (3) Guardian ad litem reports;
 - (4) Drug/alcohol assessments;
 - (5) School records and reports;
 - (6) Traffic records; and
 - (7) Reports from community agencies serving the Court.

CONFIDENTIAL RECORDS

- 8.02 Pursuant to O.R.C. Section 2151.14, reports and records of the Intake and probation Departments shall be considered confidential and shall not be made public.
- 8.03 All confidential records are maintained in the Court's unofficial file.
- 8.04 Inspection by attorneys or interested parties may be allowed by leave of Court.

OFFICIAL RECORDS

- 8.05 Pursuant to O.R.C. Section 2151.18 and Section 2152.71, the Court maintains an Official file that may be inspected by the parties or their attorney.
- 8.06 Exhibits properly introduced and admitted at a trial or hearing shall be maintained separately by the Clerk's office.

REVIEW OF RECORDS

- 8.07 The inspection of records by attorneys and interested parties is governed by Rule 32(C) of the Ohio Rules of Juvenile Procedure and O.R.C. Section 2151.18 and Section 2152.71.

- 8.08 Any person authorized by the Judge or Magistrate to inspect any confidential records must comply with the following procedure:
- (a) The authorized person must sign in and out with the Clerk's office;
 - (b) The records must be reviewed under the supervision of a Deputy Clerk in the Clerk's work area, during regular business hours;
 - (c) Only written notes may be taken regarding the records;
 - (d) No copies may be made absent a Court Order; and
 - (e) No information contained in any record will be recorded by tape recording, other electronic device absent a Court Order.
- 8.09 The release of confidential records is governed by O.R.C. Section 2151.14 and Rule 32(C) of the Ohio Rules of Juvenile Procedure.

CASE DOCUMENTS

- 8.10 Rules of Superintendence for the Courts of Ohio Rule 44 (C)(1) and (2) defines what is and is not a "case document". If a party wishes to file a document which is not a "case document", said document shall be filed in a file separate from the Official file. To ensure that the submission of any document which is not a "case document" is reflected in the Official file, a Notice of Filing, identifying the specific document(s), shall be filed with the document(s), and will be maintained in the Official file.

LOCAL RULE 9 JURY DEMAND

- 9.01 The Court shall hear and determine all cases involving Juveniles without a jury, except for the Adjudication of a serious youthful offender complaint, indictment or information in which a trial by jury has not been waived.
- 9.02 In cases where an adult has been charged with a criminal offense in the Juvenile Court, the Defendant is entitled to a jury trial pursuant to Criminal Rule 23 (A). An adult charged with a misdemeanor offense may demand a jury in writing, which demand shall be filed no later than thirty (30) days prior to the date set for trial or before the third (3rd) day following the receipt of the notice of the date for trial, whichever is later. A Defendant's failure to demand a jury trial as stated in this rule shall be deemed a complete waiver of the rights thereto. Costs of the jury may be assessed as court costs.

LOCAL RULE 10 TRAFFIC CASES

The Portage County Common Pleas Court, Juvenile Division, has established a Juvenile Traffic Violations Bureau pursuant to Ohio Traffic Rule 13.1.

- 10.01 Use of Electronically Produced Tickets: The use and filing of a ticket that is produced by computer or other electronic means is authorized. The electronically produced ticket shall conform in all substantive respects to the Ohio Uniform Traffic Ticket. If an electronically produced ticket is issued at the scene of an alleged offense, the issuing

officer shall provide the alleged juvenile traffic offender with a paper copy of the ticket as required by Ohio Traffic Rule 3(E).

- 10.02 All juvenile traffic violations that meet the criteria for waiver and written plea of admission will receive a notice which explains the juvenile's options to waive appearance; describes how to properly execute the waiver of appearance and enter a written plea of admission; outlines the fines and costs required to waive; and states the date and time to appear for hearing if the juvenile elects not to waive.
- 10.03 In conjunction with the Ohio State University Extension Office of Portage County and Ohio State Highway Patrol, the Court has created a traffic diversion option in which waiverable offenses will qualify and non-waiverable offenses may qualify:
- (a) To qualify for this traffic diversion program, the Juvenile and as least one parent or legal guardian, shall attend the CARTEENS program when scheduled;
 - (b) Upon completion of the program, the imposition of a fine shall be waived. However, court costs will be imposed;
 - (c) So long as the Court receives a grant for costs associated with the program, participants will not be charged for attending the program;
 - (d) After six months from the date of completion of the program, and on the condition the Juvenile has not received a new traffic citation, and any outstanding court costs are paid in full, the traffic offense will be dismissed with prejudice. No points will be assessed on the Juvenile's traffic record;
 - (e) If the Juvenile receives a new traffic citation within six months of the diverted citation, the diverted citation can be reinstated and scheduled for hearing.
- 10.04 The following offenses cannot be waived and require an appearance before the Court:
- (a) Any offense that involves an accident;
 - (b) A second or subsequent moving violation;
 - (c) Operating a motor vehicle while under the influence of alcohol or any drug of abuse;
 - (d) Leaving the scene of an accident;
 - (e) Driving while under suspension or revocation of a driver's or commercial driver's license;
 - (f) Driving without being licensed to drive, except where the driver's or commercial driver's license had been expired for less than six (6) months;
 - (g) Failure to stop and remain standing upon meeting or overtaking a school bus stopped on the highway for the purpose of receiving or discharging a school child;
 - (h) Willfully eluding or fleeing a police officer;
 - (i) Drag racing;
 - (j) Speeding in excess of 20 m.p.h. over the posted speed limit;
 - (k) Any speeding offense occurring in a 65 or 70 mile per hour zone;
 - (l) Reckless operation;
 - (m) Prohibition against a minor using electronic wireless communication while driving;
 - (n) Indictable offenses;

- (o) Any traffic offense otherwise eligible to be disposed of by the Juvenile Traffic Violations Bureau that the Court in its discretion determines should not be disposed of by the Juvenile Traffic Violations Bureau.
- 10.05 Unless a juvenile is eligible for waiver, and in fact waives, an alleged juvenile traffic offender must appear for arraignment with a parent/legal guardian on the date and time designated in the court notice.
- 10.06 Except when a juvenile is charged with an offense set forth in Local Rule 10.04, an Attorney can enter a written Denial to the traffic offense on behalf of the juvenile client and the appearance of the juvenile and parent/legal guardian at the arraignment is not required. Upon receipt of the written Denial, the matter will be scheduled for a Rule 21 hearing.
- 10.07 If the traffic citation is not marked “yes” in the “Financial Responsibility Proof?” box, documentation showing proof of automobile insurance shall be provided by the alleged juvenile traffic offender at the initial appearance.

LOCAL RULE 11 JUDGMENT ENTRIES

- 11.01 In cases where complaints, counterclaims and motions have been settled and an attorney has been required to submit a judgment entry, the judgment entry shall be submitted to the Court within fourteen (14) days of the hearing, unless otherwise ordered. Failure to comply with this rule may result in the automatic dismissal of the complaint, counterclaim or motion.
- 11.02 The Court may order either counsel to prepare the judgment entry setting forth the agreement of the parties. Said judgment entry shall be provided to opposing counsel, or party if *pro se*, prior to the submission to the Court. If counsel and/or *pro se* litigant are unable to agree upon the judgment entry, opposing counsel or *pro se* litigant shall notify, within five (5) days of receipt of the entry, the attorney who prepared the entry. Thereafter, counsel for opposing parties or *pro se* litigant may submit a proposed entry to the Court for review. The Court will then direct which entry is to be filed. A judgment entry sent for signature which is not returned within ten (10) days may be submitted to the Court without signature of the opposing counsel or party, if the agreement was read into the record. A copy of the transmittal letter indicating the date sent to opposing counsel or party shall accompany all judgment entries not signed by the parties or legal counsel.
- 11.03 If an agreement is not read into the record and a consent entry cannot be agreed upon, counsel should seek a new hearing date within the time period for filing the agreed entry.
- 11.04 Should a judgment entry not be timely filed in accordance with this Rule, the Court may dismiss the pending complaint, counterclaim or motion without further hearing. Should a matter be so dismissed and the parties wish to submit an entry thereafter, counsel shall,

within fourteen (14) days submit the judgment entry with a Motion to Vacate the Dismissal and an entry granting the same.

- 11.05 In cases where an agreement is submitted to the Court upon the filing of a Complaint or other Motion, and not all the parties are represented by counsel, the matter will be set for hearing to advise the unrepresented party of their right to counsel and to ascertain the knowing and voluntary consent to the agreement.

LOCAL RULE 12 MOTION TO SET ASIDE MAGISTRATE'S ORDER

- 12.01 An Order of a Magistrate will be reviewed by the Judge by filing a Motion to Set Aside Magistrate's Order within ten (10) days from the date of the Order and shall be in accordance with Rule 40 of the Ohio Rules of Juvenile Procedure and Rule 53 of the Ohio Rules of Civil Procedure.
- 12.02 Any person wishing to respond to the Motion to Set Aside Magistrate's Order shall do so no later than ten (10) days after the Motion to Set Aside Magistrate's Order is filed, unless a request for a transcript has been filed.
- 12.03 If the basis of the Motion to Set Aside Magistrate's Order is not based on an issue of fact, the party filing the Motion shall notify the Court in writing at the time of the filing of the Motion, that the party is requesting that the Court rule on the Motion without a transcript of the proceedings.
- 12.04 If an issue of fact is part or wholly the basis for the Motion to Set Aside Magistrate's Order, a transcript of the testimony shall be filed in support of the Motion. The moving party must make sure the court reporter has filed the transcript within thirty (30) days after the filing of the objections, unless the Judge, in writing, extends the time.
- 12.05 A request for a transcript shall be **pursuant to Local Rule 7 RECORD OF THE PROCEEDINGS.**
- 12.06 Failure to file a transcript when required by this Rule is a basis for dismissal of the Motion to Set Aside.
- 12.07 The Motion to Set Aside Magistrate's Order shall be accompanied by a supporting memorandum which shall include citations of law relied upon in support of their position.
- 12.08 A Motion to Set Aside a Magistrate's Order does not operate as an automatic stay of the order. The order is not stayed unless a Motion to Stay the Order is granted.
- 12.09 Any party may request a hearing for oral argument on the Motion to Set Aside Magistrate's Order. Unless the Court orders otherwise, a Motion to Set Aside Magistrate's Order will be determined without oral argument.

LOCAL RULE 13 OBJECTIONS TO MAGISTRATE'S DECISIONS

- 13.01 A decision of a Magistrate will be reviewed by the Judge by filing an Objection to Magistrate's Decision within fourteen (14) days from the date of the Decision and shall be in accordance with Rule 40 of the Ohio Rules of Juvenile Procedure and Rule 53 of the Ohio Rules of Civil Procedure.
- 13.02 Any person wishing to respond to the Objection shall do so no later than fourteen (14) days after the objection to the Magistrate's Decision is filed, unless a request for a transcript has been filed.
- 13.03 If the basis of the Objection is not based on an issue of fact, the party filing the Objection shall notify the Court in writing, at the time of the filing of the Objection that the party is requesting that the Court rule on the Objection without a transcript of the proceedings.
- 13.04 If an issue of fact is part or wholly the basis for the objection, a transcript of the testimony shall be filed in support of the objection to the Magistrate's Decision. It is the moving party's responsibility to ensure the court reporter has filed the transcript within thirty (30) days after the filing of the objections, unless the Judge, in writing, extends the time.
- 13.05 A request for a transcript shall be **pursuant to Local Rule 7 RECORD OF THE PROCEEDINGS**.
- 13.06 Failure to file a transcript when required by this Rule is a basis for dismissal of the objection.
- 13.07 The objection shall be accompanied by a supporting memorandum which shall include citations of law relied upon by the Objector in support of their position.
- 13.08 If the Objection is to a Magistrate's Decision adjudicating a child to be abused, neglected or dependent, or dismissing a complaint alleging same, the Court Reporter shall prepare and provide copies of the transcript to the party requesting the transcript within fourteen (14) days of the filing of a praecipe. For good cause shown, the Court Reporter may request an extension of time to complete the transcript. In these cases:
- (a) The party objecting to the Magistrate's decision shall file a memorandum within ten (10) days of the filing of the transcript with the Court;
 - (b) The responding party shall file a memorandum, if any, within ten (10) days of the filing of the memorandum in support of the Objection;
 - (c) For good cause shown, a party may file for an extension of time to file a memorandum.
- 13.09 The timely filing of an Objection to the Magistrate's Decision operates as an automatic stay of execution of the Decision until the Court disposes of the objection.

- 13.10 Within seven (7) days of filing an objection, any party may request a hearing for oral argument on the Objection to a Magistrate's Decision. Unless the Court orders otherwise, Objections to the Magistrate's Decision will be determined without oral argument.

LOCAL RULE 14 MOTIONS

MOTION PRACTICE

- 14.01 All Motions shall be made in writing in accordance with Rules 19 and 22 of the Ohio Rules of Juvenile Procedure unless otherwise permitted by the Court.
- 14.02 The Motion shall be supported by a memorandum containing citations of authority and may also be supported by an affidavit. All motions shall be heard upon submission without oral hearing unless such hearing is required by law or unless requested by the movant in writing or ordered by the Court. Notice shall be made by the Court on all parties, including the Guardian ad litem.

MOTIONS FOR CONTINUANCE

- 14.03 Motions for continuance will be made in accordance with Rules 19 and 23 of the Ohio Rules of Juvenile Procedure.
- 14.04 All applications for continuances shall be made as far in advance of hearing dates as practicable. All requests shall be in writing and must be accompanied by a proposed journal entry granting/denying the motion.
- 14.05 Any Motions for Continuance based upon a conflict with another scheduled court hearing shall be accompanied with a copy of the notice of that hearing.
- 14.06 Counsel requesting the continuance shall immediately notify in writing all other counsel and/or parties involved. The Motion for Continuance shall indicate what efforts were made to notify all other counsel and/or parties, and whether these individuals agree with the continuance.
- 14.07 No case will be continued on the day of the hearing, except for good cause shown, which cause was not known to the attorney or party prior to the day of the hearing, notwithstanding all other counsel and/or parties agreement to same.
- 14.08 If moving party is represented by counsel, it is the responsibility of the attorney obtaining the continuance to notify all other counsel and parties when a continuance is granted.

CONTEMPT MOTIONS

See Local Rule 20 Contempt Motions

LOCAL RULE 15 DIVERSION OF DELINQUENCY/UNRULY CASES

- 15.01 Pursuant to Juvenile Rule 9(A), if the best interests of the child and of the public require, a matter may be referred to unofficial status and the child subject to the complaint referred to diversion, in lieu of formal court action. The Director of Youth Rehabilitation, a Judge or Magistrate may refer a matter for diversion.
- 15.02 Following the initiation of formal court action, the Judge or Magistrate may dismiss the charge(s) and refer the matter for diversion.
- 15.03 Cases that might otherwise qualify for diversion may remain in an official status where there are multiple offenders not all of whom are eligible for diversion or where family or other circumstances indicate that the best interests of the child and the public are not served by a referral to diversion and unofficial status.
- 15.04 No persons, except for Court staff, shall have access to records of unofficial matters, without the consent of the Court.
- 15.05 Unofficial cases considered by the Court shall not be subject to the other provisions of these Rules.

LOCAL RULE 16 COMPETENCY PROCEEDINGS

EXPEDITED HEARINGS

- 16.01 Juvenile competency hearings under Sections 2152.51 through 2152.59 of the Revised Code shall be scheduled and heard on an expedited basis.

NOTICE

- 16.02 Upon conclusion of each hearing, the Court shall provide written notice to the prosecuting attorney, the child's attorney, the child's Guardian ad litem, and the child's parents, guardians, or custodian, of the date, time and place of the next scheduled hearing. Mailed notice shall not be required for any party or other individual designated in this rule to whom notice of the next hearing was provided in writing upon conclusion of the immediately preceding hearing.

STAY OF PROCEEDINGS

- 16.03 Upon the filing of a motion for a determination regarding a child's competency or upon the Court's own motion the court shall stay all delinquency proceedings pending a determination of competency. If, upon a determination of competency, the Court determines that the child is not competent but could likely attain competency, the court order staying the delinquency proceedings shall remain in effect until such time as the child attains competency or the proceeding is dismissed.

LOCAL RULE 17 GUARDIAN AD LITEM-PRIVATE CASES

- 17.01 Upon motion of either party, or upon the Court's own motion, the Court may appoint Guardian ad litem from the Court's approved list of Guardians ad litem pursuant to Ohio law and/or Rules of Superintendence for the Courts of Ohio. If granted, the parties shall pay a deposit of \$1,500.00 to be apportioned between the parties as ordered by the Court. The Court will address the request for a Guardian ad litem at the next scheduled hearing. The Court may require additional deposits by any party and reassess said fees to any party.
- 17.02 The Guardian ad litem shall be paid at a rate equivalent to that of attorneys appointed for indigent parties. For good cause shown, the Guardian ad litem may petition the Court for compensation in an amount greater than that set forth in this Rule.
- 17.03 Unless the appointment of a Guardian ad litem is required by Statute or Rule, the appointment is within the discretion of the Court.
- 17.04 Any request for the appointment of a Guardian ad litem shall be filed at least ten (10) days before the pretrial hearing.

LOCAL RULE 18 STANDARD SCHEDULE OF PARENTING TIME

No specific schedule will satisfy the changing needs of both children and parents over the years. Critical to any schedule is that each parent be flexible, based upon the changing needs of a child as the child grows older and becomes involved in different activities. It is the Court's view that a specific parenting time order is in the best interest of children, in most cases. The Court has adopted a "**Standard In-State Parenting Time Schedule**" (**Appendix B**) and a "**Standard Out-of-State Parenting Time Schedule**" (**Appendix C**), which provides for the minimum amount of parenting time which the Court considers reasonable, in most cases. It is recognized that each situation and each child is different, and it is preferred that parents attempt to tailor the parenting time schedule to meet the specific needs of their children. Parties may agree to, and the Court may approve, more or less parenting time than provided for in the Standard Schedule. Any agreement regarding parenting time must contain specific times and days for parenting time, and if the Standard Schedule for Parenting Time is adopted, a copy of the Schedule shall be included in the Entry.

LOCAL RULE 19 CONVEYANCE OF PRISONER

- 19.01 It is the responsibility of counsel for a party who is incarcerated, or who issues a subpoena for a party who is incarcerated, to file a Motion to Convey with a Proposed Order to Convey to transport the person to the hearing.
- 19.02 A Motion to Convey must be filed at least fifteen (15) days prior to the hearing date if the party or witness is incarcerated outside of Portage County, and at least seven (7) days prior to the hearing date if the party or witness is incarcerated in Portage County.

- 19.03 The above time frames may not apply if the party becomes incarcerated after the designated time periods.

LOCAL RULE 20 CONTEMPT MOTIONS

- 20.01 Any party seeking a finding of contempt shall be designated the Movant and the party charged with contempt shall be designated the Respondent.
- 20.02 The initial pleading for contempt shall be supported by an affidavit with sufficient operative facts of the alleged contempt so as to provide the Respondent with notice of the facts of the contempt charge alleged.
- 20.03 The Court (Judge or Magistrate), if it finds the affidavit sufficient, shall issue an Order of Show Cause, which shall contain the information and warnings contained in Local Rule 20.04, 20.05, 20.06 and 20.07.
- 20.04 The initial pleading shall indicate whether the Movant is seeking a Civil Contempt Order and/or Criminal Contempt Order.
- 20.05 The party seeking to compel the Respondent's appearance at a hearing to Show Cause must provide the Court with a proposed order at the time of the initial pleading and the proposed order shall include the following information to the Respondent:
- a. That Respondent has the right to be represented by an attorney;
 - b. Because the Court may impose a sentence of indefinite confinement for civil contempt and/or definite confinement for criminal contempt and/or a monetary sanction for either, the Respondent has the right to court appointed counsel if indigent;
 - c. The Respondent has a right to public trial before a judicial officer on the alleged contempt;
 - d. The Respondent may compel the Movant to prove the case by clear and convincing evidence as to a civil contempt charge and by proof beyond a reasonable doubt in a criminal contempt charge;
 - e. The Respondent may obtain the presence of witnesses in Respondent's own behalf by compulsory process (subpoena) if necessary;
 - f. The Respondent has the right to cross-examine the witnesses called against Respondent;
 - g. Respondent has a right to bail.

- 20.06 In addition to requirements of 20.04, in any action for contempt based upon an order for child support and/or parenting time (visitation), the Respondent's notice or summons shall include and comply with ORC 2705.03(C) (1), (2), (3), (4) and (5).
- 20.07 All pleadings seeking contempt must comply with ORC 2705 inclusive of notice of potential penalties.
- 20.08 The initial motion for contempt and the Show Cause Order for an act or omission on Respondent's part in violation of Court order shall require personal service of the Show Cause Order and affidavit upon the Respondent, if incarceration or a monetary sanction is sought by the Movant.
- 20.09 Subsequent pleadings in the same contempt action shall be served pursuant to Ohio Rules of Civil Procedure 4 through 4.6 and Local Rule 3.

LOCAL RULE 21 PRO SE PLEADINGS

- 21.01 Any person who wishes to file a Complaint/Motion, who is not represented by counsel, must review and sign the **Pleadings Acknowledgment Form (Appendix D)** agreeing to comply with the Ohio Revised Code, the Juvenile and Civil Rule of Procedure and the Local Rules.

LOCAL RULE 22 INACTIVE CASES

- 22.01 Any party or attorney for any party who initiates any action in the Court shall attempt to obtain service on all parties as soon as possible.
- 22.02 In cases involving delinquency, unruliness, juvenile traffic offenders or adults charged with criminal acts, the matter may be scheduled for a probable cause hearing and the Prosecutor shall be responsible for presenting evidence at the hearing for the Court to determine whether there is probable cause to believe the accused juvenile/adult has committed the above- designated offense and whether a warrant should be issued for the accused juvenile/adult arrest.
- 22.03 In cases involving paternity, allocation of parental rights, custody, support, visitation or related matters, if service is not perfected, counsel, or the party if unrepresented, shall be given notice of the failure of service, the date of filing and that if service is not perfected within six (6) months of filing, the action will be dismissed without prejudice, without further notice or hearing.

LOCAL RULE 23 CASE MANAGEMENT

PURPOSE

- 23.01 This rule is adopted to facilitate case management and enable the Court to expeditiously process the cases brought before it, as well as to provide consistent procedures which can

be followed by the Court, the public and members of the bar. This rule shall be for guidance purposes only and shall not affect the Court's jurisdiction or outcome of the case.

DELINQUENCY AND UNRULY

- 23.02 A detention hearing shall be conducted the next business day after a juvenile is placed into the detention center following his/her arrest on a delinquent or unruly charge.
- 23.03 Unless the juvenile is held in the detention center, all delinquency and unruly arraignments shall be set within twenty-eight (28) days after the filing of the complaint.
- 23.04 Juvenile Rule 21 conferences shall be set within twenty-one (21) days of the arraignment.
- 23.05 All delinquency complaints shall be set for adjudication within ninety (90) days from the date of the arraignment.
- 23.06 All unruly complaints shall be set for adjudication within sixty (60) days from the date of the arraignment.
- 23.07 All dispositional hearing shall be set within thirty (30) days from the date of the adjudicatory hearing.
- 23.08 All delinquent offenses shall be concluded within six (6) months from the date the complaint is filed.
- 23.09 All unruly offenses shall be concluded within ninety (90) days from the date the complaint is filed.
- 23.10 A juvenile child held in the detention center for a delinquent offense shall have the case for which s/he is being held set for adjudicatory hearing within fifteen (15) days of the placement in the detention center. For good cause shown, the adjudicatory hearing may be extended.
- 23.11 A juvenile child held in the detention center for an unruly/status offense shall be released from the detention center within twenty-four (24) hours from placement into the detention center. This time may be extended until the next court day if the child is taken into custody on Saturday, Sunday or legal holiday. ORC 2151.312(C)(3). If a parent/legal guardian is not available to pick up the juvenile child within that time period, the juvenile child shall be placed into the custody of the Portage County Department of Job and Family Services.

TRAFFIC

- 23.12 All juvenile traffic citations shall be set for arraignment within twenty-eight (28) days from the date of the filing of the traffic citation.

- 23.13 Juvenile Rule 21 conferences shall be set within twenty-one (21) days of the arraignment.
- 23.14 All juvenile traffic citations shall be set for adjudication within ninety (90) days from the date the citation is filed.

DEPENDENCY, NEGLECT AND ABUSE CASES

- 23.15 Absent a voluntary agreement for care, when a child has been placed in shelter care, a hearing shall be held the next business day but not later than 72 hours after the removal of the child.
- 23.16 An adjudicatory hearing will be held within thirty (30) days of the date the complaint is filed. Ohio Revised Code Sections 2151.28 and .35(B)(1) applies to extensions of time.
- 23.17 A dispositional hearing shall be held no later than ninety (90) days from the date the complaint was filed.
- 23.18 A dispositional review hearing shall be held every ninety (90) days after the initial dispositional hearing.
- 23.18 (A) Upon the filing of a Complaint in an Abuse, Neglect or Dependency case and at any time thereafter, the complainant shall notify the clerk to comply with ORC 2151.424, by confidential pleading of the name, address, and telephone number of certified foster caregiver, kinship caregiver or prospective adoptive parent.
- (B) If the certified foster caregiver, kinship caregiver or prospective adoptive parent changes, the new caregiver's name, address and telephone number shall be provided by confidential pleadings within 72 hours of the change.
- (C) If the certified foster caregiver, kinship caregiver or prospective adoptive parents' address or telephone number changes the Complainant shall file a confidential pleading within 72 hours provide the clerk with the new address or telephone number.
- (D) Confidential Pleadings notifying the clerk of certified foster caregiver, kinship caregiver or prospective adopting parent's name, address and telephone number shall be kept separate from the court file. **See Appendix F.**
- (E) Notice of caregiver, kinship caregiver, or prospective adopting parent is confidential, shall be filed separately from parties' notices and kept in a confidential file for judicial officer and clerk access only.

ADULT CASES

- 23.18 All adults charged with a criminal offense for which Juvenile Court has jurisdiction shall be arraigned within twenty-one (21) days from the date of service of the Complaint.
- 23.19 All adult pre-trials shall be held within thirty (30) days from the date of the arraignment.
- 23.20 All adult trials shall be held within ninety (90) days from the date the complaint is filed.

- 23.21 Sentencing shall be conducted within thirty (30) days after the trial is concluded.
- 23.22 Adults held in jail in lieu of bond shall be arraigned within twenty-four (24) hours of the date of their arrest or the morning of the next court date.

**CIVIL (PARENTAGE, SUPPORT, ALLOCATION OF PARENTAL RIGHTS,
VISITATION, NON-PARENT CUSTODY)**

- 23.23 Unless otherwise ordered, all civil complaints/motions filed will first be set for a pre-trial and/or status conference to be heard within forty-five (45) to sixty (60) after the filing of said complaint/motion.
- 23.24 Additional pre-trial/status conferences shall be scheduled as deemed necessary.
- 23.25 The case shall be disposed of within the established time guidelines as set forth in Ohio Rules of Superintendence Appendix A-Statistical Reporting Form D.

JUVENILE CIVIL PROTECTION ORDERS

- 23.26 Juvenile Civil Protection Order's (JCPO's) may be filed for an *ex parte* hearing or a full hearing.
- 23.27 If an *ex parte* hearing is requested at the time of filing, the hearing will be held the very next business day.
- 23.28 If the *ex parte* JCPO is granted, the full evidentiary hearing shall be held within ten (10) court days after the *ex parte* hearing.
- 23.29 If an *ex parte* order is not requested or if it is not granted, the Court shall proceed as in a normal civil action and grant a full hearing on the motion.
- 23.30 Upon the filing of the petition the court will appoint an attorney for the juvenile respondent.

JUDICIAL BYPASS

- 23.31 A hearing shall be conducted, if possible, within twenty-four (24) hours after filing the petition, but not later than five (5) days after filing of the petition.
- 23.32 A guardian ad litem will be appointed for the petitioner. If the petitioner is not represented by an attorney, the guardian ad litem shall also serve as the petitioner's attorney.

CONSENT TO WED

- 23.33 An application shall be filed with the Court in the county in which the seventeen (17) year old applicant resides. **See Appendix G.**
- 23.34 The court shall comply with ORC 3101.01-.05 and Juv R 42.
- 23.35 A certified copy of the judgment entry shall be transmitted to the Probate Court of the county where the application for marriage license was filed or will be filed.

LOCAL RULE 24 BAIL SCHEDULE

- 24.01 Pursuant to Rule 46 of the Ohio Rules of Criminal Procedure, the Court establishes this bail schedule for those adult criminal cases for which the Court has either original and exclusive jurisdiction or original jurisdiction.
- 24.02 For any misdemeanor offense:
- (A) Portage County resident: Personal Recognizance;
 - (B) Adjacent County Resident: Personal Recognizance;
 - (C) Non-adjacent County Resident: \$4,000.00-10% cash or surety.

LOCAL RULE 25 ASSIGNED COUNSEL AND GUARDIAN AD LITEM APPOINTMENTS

- 25.01 An adult party, in a Dependency/Neglect/Abuse case or a Contempt matter, that desires court appointed counsel shall execute an affidavit regarding his or her financial status and general background on a form supplied by the court. Applications for appointed counsel shall be reviewed for compliance with guidelines adopted by the Ohio Public Defender Commission. Each person applying for counsel shall pay a nonrefundable application fee to the Clerk upon application or in seven days thereafter. In the event the applicant fails to pay the application fee, the amount of the fee will be taxed as costs against the applicant at the close of the case.
- 25.02 A Juvenile party shall be appointed counsel, upon request. The Juvenile's parent/legal guardian shall complete the Financial Disclosure form for recoupment purposes only. The Juvenile's parent/legal guardian shall pay a nonrefundable application fee to the Clerk upon application or in seven days thereafter. In the event the applicant fails to pay the application fee, the amount of the fee will be taxed as costs against the applicant at the close of the case.
- 25.03 A Guardian ad litem shall be appointed in all abuse, neglect and dependency cases.
- 25.04 Assigned counsel and non-CASA guardians ad litem shall receive compensation for their services. In all such cases and upon completion of service, it shall be the duty of the assigned attorney to submit a fee application on such form as may be required by the court itemizing time and services rendered. Failure to submit fee petitions within the time periods set by the Ohio Public Defender's Commission may be cause for denial of the petition by the Court. Compensation for particular types of cases or offenses may be

limited to the maximum fees set by schedule that the Court may publish and modify from time to time. Hourly rates shall be consistent with the reimbursement rate set at the time by the Portage County Commissioners.

- 25.05 Requests for extraordinary fees shall be in writing and state with particularity the time and services rendered and the reasons for the need for the extraordinary services. Expenses may be reimbursable. Counsel must submit a motion and order for such expenses with an itemization and substantiation for such expenses. Reimbursable expenses do not include postage, copying costs, in-county mileage, and parking. The decision to grant or deny extraordinary fees and expenses is within the discretion of the Court.

LOCAL RULE 26 GUARDIAN AD LITEM REPORTS

A guardian ad litem shall prepare a written report, including recommendations to the court, within the times set forth in this division. The report shall detail the activities performed, hearings attended, persons interviewed, documents reviewed, experts consulted and all other relevant information considered by the guardian ad litem in reaching the guardian ad litem's recommendations and in accomplishing the duties required by statute, by court rule, and in the court's Order of Appointment.

- 26.01 All reports, written or oral, shall be used by the court to ensure that the guardian ad litem has performed those responsibilities required by section 2151.281 of the Revised Code.
- 26.02 Oral and written reports may address the substantive allegations before the court, but shall not be considered as conclusive on the issues.
- 26.03 Unless waived by all parties or unless the due date is extended by the court, the report shall be filed with the court no less than seven days before the hearing.
- 26.04 A guardian ad litem shall be available to testify at the dispositional hearing and may orally supplement the final report at the conclusion of the hearing.
- 26.05 A guardian ad litem also may file an interim report, written or oral, any time prior to the dispositional hearing and prior to hearings on actions to terminate parental rights.
- 26.06 Any written interim report shall be filed with the court and distributed pursuant to Rule 48 of the Ohio Rules of Superintendence.
- 26.07 A Guardian ad litem report shall comply with the format as set forth in **Appendix E**.

LOCAL RULE 27 GUARDIAN AD LITEM COMPLAINT PROCEDURE

If a person has a complaint about a Guardian ad litem's performance and the person is not able to first resolve the issue with the Guardian ad litem, the following procedure shall be used to address the complaint.

- 27.01 The Court Administrator shall be the person appointed by this Court for accepting written complaints regarding the performance of the Guardian ad litem practicing before this Court as required by Rule 48 of the Ohio Rules of Superintendence.
- 27.02 The complaint shall be in writing and signed by the complainant.
- 27.03 The complaint shall identify the Guardian ad litem with whom there is a concern and the full details of the issue(s) or concern(s), along with what efforts were made to resolve the issue(s) or concern(s).
- 27.04 The written complaint shall be delivered to Court Administrator at the Portage County Juvenile Court, 8000 Infirmary Road, Ravenna, Ohio, 44266.
- 27.05 The Court Administrator will make two (2) copies of the complaint filed and provide one (1) copy of the complaint to the Judge and send one (1) copy to the Guardian ad litem with written instruction that said Guardian ad litem shall have fourteen (14) days to respond to the complaint and provide said response to the Court Administrator. The Judge may grant an extension of the response time to the Guardian ad litem upon request.
- 27.06 The Court Administrator shall provide the response filed by the Guardian ad litem to the Judge along with all other documents filed in the matter by the complainant.
- 27.07 The Judge will issue a decision in the matter and the complainant and Guardian ad litem will be notified of the resolution of the complaint.
- 27.08 A written record of the complaint and disposition shall be maintained in the Guardian ad litem's permanent file.

LOCAL RULE 28 PARENTAGE AND CHILD SUPPORT

CIVIL RULES APPLY

- 28.01 The Ohio Rules of Civil Procedure apply to all matters regarding the establishment of parentage and orders for establishment or modification of child support.

ACTIONS INVOLVING MINORS

- 28.02 Actions for parentage, child support, and contempt for failure to pay child support in which a parent or alleged parent is a minor, shall designate the minor and the minor's parent, legal guardian or custodian, as a party. Said parent, legal guardian or custodian shall attend all hearings with the minor.

GENETIC TESTING

- 28.03 Advance payment for genetic testing is the responsibility of the requesting party. At the conclusion of the case, the Court may assess all or a portion of the costs of genetic testing against the non-prevailing party. When the Child Support Enforcement Agency has advanced the costs of genetic testing, the court may order reimbursement by the non-prevailing party.
- 28.04 Within seven (7) days of the receipt of the genetic testing results, the requesting party shall serve the other party, and the Court, with a copy of the genetic testing results.

MODIFICATION OF SUPPORT ORDER

- 28.05 Motions for modification of a child support order shall state the specific reason for the request and attach a copy of the most recent order that the party is seeking to modify.

EVIDENCE REQUIRED FOR HEARING

- 28.06 At the hearing on the complaint or motion, the parties shall be prepared to introduce exhibits evidencing each parent's annual earnings, year to date earnings, and other financial considerations.
- 28.07 Counsel for each party shall prepare and submit a proposed child support computation worksheet.

SUPPORT ORDERS

- 28.08 Any Judgment Entry which contains a child support order shall contain language which comports with Ohio Revised Code Chapters 3119, 3121, 3123 and 3125 (and as amended).
- 28.09 Any child support order shall have a copy of the Child Support Computation Worksheet, which was used to calculate the child support obligation, attached to the Judgment Entry as an Exhibit. The attached Computation Worksheet shall be fully completed and accurately calculated.
- 28.10 Any proposed Judgment Entry containing a deviation from the attached Computation Worksheet shall contain the specific factors relevant to granting the deviation.

LOCAL RULE 29 CUSTODY AND ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES AND/OR COMPANIONSHIP ACTIONS

COMMENCEMENT OF THE ACTION

- 29.01 A parent or other interested party may bring an action to determine the custody, the allocation of parental rights and responsibilities regarding the child(ren), or modification of the allocation of parental rights and responsibilities. Any existing administrative order

for child or medical support shall be disclosed with initial filings. The parties shall apply for services to the CSEA within ten (10) days of bringing or responding to the action.

- 29.02 Original actions shall be initiated by a complaint made under oath, in compliance with Juv. R. 10. Requests to modify pre-existing orders shall be by motion.
- 29.03 If paternity has been established, the complaint shall allege the means by which it has been established, including a copy of a paternity determination of record in the Central Paternity Registry, an administrative paternity determination, a paternity determination issued by a court or a birth certificate.
- 29.04 If another court has issued an order regarding the allocation of parental rights and responsibilities or custody, a copy of that order shall be attached to the complaint or motion.
- 29.05 The petitioner shall attach a Uniform Child Custody Jurisdiction and Enforcement Act Affidavit to the complaint or motion.
- 29.06 Prior to the pretrial hearing, each parent shall file the affidavit required in Ohio Revised Code Section 3109.04 (M).

THIRD PARTY MOTIONS AND COMPLAINTS

- 29.07 Motions or Complaints filed by a third party shall be disposed of as follows:
 - (A) The third party must file a motion setting forth the reasons for the request and an order permitting joinder to the action, if an action has previously been filed; and
 - (B) All motions must comply with Portage Juv.R. 3 and shall be served pursuant to Civ. R. 4 through 4.6.
 - (C) A complaint filed by a third party shall name both parents and the legal custodian (if any), of the child as a party, shall allege the familial relationship to the child and if a paternal familial relationship shall allege how paternity was established and shall include proof of paternity as an exhibit.

PARENTING/MEDIATION CLASSES

- 29.08 Upon the filing of a Complaint, Motion and/or other pleading, the case will be reviewed by a “case manager”. The case manager will determine whether the parties should be referred to this court’s parenting class, and whether the parties should be referred to mediation, to resolve any outstanding issues.
- 29.09 The parenting class consists of two sessions and is conducted on the second and third Wednesday of each month, from 6:00 p.m. until 8:00 p.m.
- 29.10 Non-parent parties may be required to attend the parenting class within the discretion of the Judge, Magistrate or upon recommendation of the case manager.

LOCAL RULE 30 IN CAMERA INTERVIEWS

- 30.01 Any requests for an *in camera* interview shall be filed at least ten (10) days before the pretrial hearing.
- 30.02 An *in camera* interview will be conducted in compliance with Ohio Revised Code Sections 3109.04 (B) and 3109.051 (C).
- 30.03 An audio recording shall be made of the *in camera* interview.
- 30.04 The sole purpose of the *in camera* interview will be for the Judge/Magistrate to make a determination, if appropriate, regarding the child's wishes and concerns regarding the allocation of parental rights and responsibilities, parenting time or visitation. If a party wishes to rely upon the underlying facts leading to the child's wishes and concerns, those underlying facts shall be introduced through evidence in the evidentiary hearing.

LOCAL RULE 31 EX PARTE ORDERS

- 31.01 All complaints and other pleadings wherein *ex parte* hearings or orders and/or emergency hearings and orders are requested, shall be accompanied by an affidavit and otherwise supported by documentation attested to under oath, or supported by sworn testimony which specifically sets forth the facts upon which the alleged emergency is based. Complaints or motions that reactivate dormant cases wherein an *ex parte* hearings or orders and/or emergency hearings or orders are requested shall also include a request for some type of final order or relief.
- 31.02 No *ex parte* or emergency order will be issued without a specific showing that, if immediate relief is not granted, serious and/or irreparable harm would result prior to an evidentiary (ORAL) hearing.
- 31.03 Within one (1) business day of the filing of complaints and other pleadings wherein *ex parte* hearings or orders and/or emergency hearings and orders are requested, the Judge or a Magistrate will review the filings and supporting affidavit(s) and document(s) and determine whether to issue the *ex parte* or emergency order, whether to schedule the matter for hearing immediately or within (2) business days to allow the petitioner to present sworn testimony, or to deny the request.
- 31.04 When an *ex parte* or emergency order is issued, the Court will schedule a review hearing within fourteen (14) days if requested or if deemed appropriate by the court. In the event no request for a hearing is received, the Court shall schedule a hearing within three (3) weeks from the date of service.
- 31.05 A proposed order shall be submitted with all complaints or other pleadings seeking the issuance of *ex parte* hearings or orders and/or emergency hearings or orders. The proposed order may be altered by the Judge or Magistrate. The proposed order shall also contain notice of the date and time of the review hearing.

31.06 The following language shall be included in all *ex parte* orders:

THE COURT HAS ISSUED AN *EX PARTE* TEMPORARY ORDER BASED SOLELY UPON THE EVIDENCE PROVIDED BY AN OPPOSING PARTY. YOU MAY REQUEST A HEARING ON THIS MATTER. YOU HAVE THE RIGHT TO RETAIN COUNSEL AND SHOULD HAVE RETAINED COUNSEL PRESENT WITH YOU AT ANY HEARING. THIS IS A TEMPORARY ORDER AND THE COURT WILL REVIEW ALL EVIDENCE OF THE PARTIES AT ANY REQUESTED HEARING.

31.07 The party obtaining the *ex parte* or emergency order shall be responsible for perfecting service of the order on the respondent and filing proof of same, within three (3) business days of the issuance of the order.

LOCAL RULE 32 SEALING AND/OR EXPUNGEMENT OF RECORDS NOTICE AND DESTRUCTION OF JUVENILE DELINQUENCY RECORDS AND FILES

32.01 Upon conclusion of a case, the Juvenile shall be provided with the Notice of the right to apply for sealing and/or expungement of a juvenile court record, along with a copy of the dispositional order. This information is also available on this juvenile court's website

32.02 Upon the termination of a Juvenile's probation, the probation department shall provide the Juvenile with the Notice of the right to apply for sealing and/or expungement of a juvenile court record.

32.03 After youth has attained twenty-three (23) years of age the Juvenile Court may destroy all juvenile delinquency, unruly, or traffic files and records of the youth, if previously sealed, following written notice to all necessary parties and agencies.

32.04 Any party, no less than six (6) months prior to the youth's twenty-third (23rd) birthday, may file a motion, with specificity, to preserve the files and records of the youth previously sealed. All parties shall receive notice of the hearing on the motion. At the hearing, the Court shall determine the necessity to retain the files and records, and the specific time to preserve the files and records, if retained.

32.05 The Court, in its discretion, may also initiate the sealing and/or expungement of a juvenile court record in accordance with R.C. 2151.356 and R.C. 2151.358.

32.06 Upon notice of sealing and/or expungement of records by an out-of-county court, of a case originating in Portage County, Ohio, this juvenile court will automatically expunge and/or seal any records in the court's possession without further notice.

LOCAL RULE 33 SUBPEONAS

Without leave of Court, the Juvenile Court will not issue any subpoenas for any pretrial conferences, Rule 21 hearings and/or status conferences.

LOCAL RULE 34 COURTROOM RESTRAINTS

SUPERINTENDENCE RULE FOR COURTS OF OHIO, RULE 5.01., on Local Child Restraints does NOT affect the transfer of a child to and from the courtroom, medical facility or other facilities, but only the appearance of a child while in a courtroom proceeding.

A) While in a courtroom proceeding the presumption is that courtroom restraints should not be utilized unless:

- 1) The Judge or Magistrate whom the child is appearing before determines on the record that there is no less restrictive alternative to use than a physical restraint,

AND

- 2) A physical restraint is necessary because either of the following:

- a. The child represents a current and significant threat to safety of the child's self or other persons in the courtroom;
 - or;

- b. There is significant risk the child will flee the courtroom.

B) If a juvenile is known to be or has stated to the Court or any Court or Detention Center personnel that she is pregnant, or is known to be post-partum within six (6) weeks of delivery, the Court shall follow all provisions of Ohio Revised Code section 2152.75 as it applies to restraining the juvenile.

C) The Judge or Magistrate may permit any party (as defined by the Juvenile Rule) to be heard on the issue of whether the use or physical restraint is necessary for the child in question.

D) Any order of physical restraints shall be the least restrictive necessary to meet the risk and in a manner which does not unnecessarily restrict the movement of the child's hands.

E) Any party including the prosecutor, juvenile probation department, Department of Youth Services or detention center may request a child be restrained in the courtroom by a notarized affidavit or affidavit affirmed before a Clerk at Portage County Juvenile Court detailing facts sufficient to meet the burdens of this Rule.

F) The bailiff or clerk shall serve all known parties inclusive of the juvenile with a copy of the affidavit/motion and ask the party if they wish to be heard on the issue. The bailiff or clerk, as soon as possible, will advise the judicial officer reviewing the

affidavit/motion. The judicial officer shall hold a brief hearing and rule upon the issue on the record.

G) Prior to the hearing the Judge or Magistrate shall review the affidavit, make the affidavit part of the record, review an affidavit by any other party and/or listen to testimony of any other party before issuing an order allowing or not allowing restraints.

H) If the judicial officer determines physical restraints are appropriate in the courtroom, that Order shall remain in effect as long as the child is in detention. Any party may file an opposition to physical restraints for a subsequent hearing of a youth in detention at any time prior to 48 hours before the hearing subsequently scheduled from the original Order permitting physical restraints.

I) For the purpose of this Rule the term “physical restraint” shall mean shackling.

LOCAL RULE 35 ASSIGNED COUNSEL AND NON-CASA GUARDIANS AD LITEM REQUIREMENTS

In order to be considered to serve as assigned counsel in Juvenile Court, each attorney must comply with the following appointment requirements and qualifications.

- 35.01 Counsel shall submit an application in letter form, on office letterhead, setting forth the level of appointment s/he is seeking, i.e.: unruly;delinquent(misdemeanor/felony/degree); dependent/neglect/abuse; Guardian ad litem; adult cases; appeals; judicial by-pass.
- 35.02 In delinquent and unruly applications, Counsel shall describe the type of legal experience s/he has and how the experience complies with the requirements set forth in Ohio Administrative Code section 120-1-10.
- 35.03 Counsel seeking appointment as a Guardian ad litem must submit proof of successful completion of the “training requirements” set forth in Rule 48 of the Ohio Rules of Superintendence.
- 35.04 Upon receipt of the application, the Judge will determine whether the applicant qualifies for appointment and if so, the level of the appointment.
- 35.05 The Court shall maintain a list of appointments and attempt to appoint counsel on a rotating basis, dependent upon their qualifications and caseload. Further, the Court shall maintain a list of attorneys’ refusal to accept appointments;
- 35.06 If an attorney and/or Guardian a litem is needed less than five (5) business days before a hearing or event, or there has been at least three (3) unsuccessful attempts to obtain counsel, the Court can select an attorney and/or Guardian ad litem without following with the rotation requirement;

- 35.07 On an annual basis, the Court will review all appointments made to ensure the equitable distribution of appointments;
- 35.08 The Court shall maintain a file of all applications, and when necessary or appropriate, or upon request, determine whether counsel shall be allowed to handle higher level matters and/or should be disqualified from handling court appointed matters;
- 35.09 Attorneys placed on the assigned counsel list who handle delinquent/unruly cases shall complete six (6) hours of continuing legal education in juvenile delinquency/unruly law within their biannual reporting period;
- 35.10 Attorneys placed on the court appointed list who handle dependent/neglect/abuse cases, as Counsel or Guardian ad litem, shall complete six (6) hours of continuing legal education in juvenile dependent/neglect/abuse law within their biannual reporting period;
- 35.11 All attorneys placed on the assigned counsel list for dependent/neglect/abuse cases, as Counsel or Guardian ad litem, shall provide the Court with a proof of compliance with this Rule by January 31st of each year.
- 35.12 This Rule does not apply to attorneys employed by the Portage County Public Defender's Office.

LOCAL RULE 36 CHANGE OF ADDRESS

Any party or Attorney whose address changes once the party or Attorney enters an appearance or is served, shall notify, in writing, the Court and all other parties and counsel of the new address within seven (7) days of the change. The written notification shall be docketed in the case by the clerk and all parties shall serve that party or Attorney at the new address docketed.

LOCAL RULE 37 USE OF EXPERTS

- 37.01 Upon the service of a Complaint in any Abuse, Neglect, Dependent, or Private case, counsel for a party shall use due diligence to determine whether expert evaluations, reports, or witnesses are anticipated or necessary for an adjudicatory, dispositional or other evidentiary hearing.
- 37.02 If counsel believes expert evaluations, reports or witnesses may be necessary, counsel shall notify the assignment commissioner within seven (7) days to set a Pretrial Conference.
- 37.03 At the Pretrial Conference, all counsel shall:
- A) Reveal the names, expertise, address and telephone number of the expert to all parties and their counsel;
 - B) All expert reports or evaluations must be produced and served upon the opposing parties or their counsel twenty-one (21) days prior to the evidentiary hearing or any other date set by the judicial officer at the pretrial conference.

LOCAL RULE 38 CONFIRMATION OF WITNESS AVAILABILITY

- 38.01 Upon the filing or responding to any pleading requiring an evidentiary hearing, the attorney representing a party or the unrepresented party shall immediately do due diligence to determine whether an expert evaluation, expert witnesses or material witnesses are necessary or are needed or are anticipated for the adjudication of the evidentiary hearing.
- 38.02 The attorney or party not represented by an attorney shall contact their expert witness or material witness within five (5) days to determine the availability of the expert witness or material witness for the evidentiary hearing date.
- 38.03 No continuance will be granted for an evidentiary hearing because of the unavailability of an expert witness or material witness unless a motion for continuance is filed within ten (10) days of the party receiving the notice of hearing or an extraordinary circumstance has occurred, unknown to the parties which is corroborated by a detailed affidavit explaining why the extraordinary circumstances occurred.
- 38.04 Attorneys or parties filing a pleading requiring an evidentiary hearing SHALL, within three (3) days of filing, notify the assignment commissioner to set a pre-trial conference.

LOCAL RULE 39 ACCESS TO JUVENILE PROCEEDINGS: MEDIA AND PUBLIC

- (A) Unless otherwise ordered by the court, access to juvenile traffic, delinquency, unruly, neglect, abuse and dependency proceedings shall be limited to persons with a direct interest in the proceedings. The court recognizes alleged victims and/or their immediate family as persons with a direct interest in the proceedings. Alleged victim's access to proceedings shall be coordinated by the Portage County Victim/Witness Program, telephone # 330-297-3850.
- (B) Other persons or entities seeking access to proceedings shall request access by written communication to the court, in order to allow adequate time for the scheduling of a hearing. Except in extraordinary circumstances, requests for access to proceedings must be made at least 48 hours prior to the scheduled hearing. Access will be granted unless an objection is filed to the request by a party or the court. Juvenile Court proceedings are neither presumptively open nor presumptively closed. The party requesting closure of proceedings shall have the burden of persuasion.
- (C) The Court or a party may file a motion for closure, partial closure, or restrictions upon use of a juvenile's, juvenile's parents, or victim's name, address or photographing or videotaping, digital or other use, of the person on the campus of the Portage County Juvenile Court by media or the public.
- (1) Notice of the evidentiary hearing on such motion shall be, as soon as possible, made by the chief deputy clerk of the Portage County Juvenile Court on the court's website, by posting at the Portage County Juvenile Court entrance,

and/or posting on the first floor of the Portage County Courthouse located at 203 W. Main Street, Ravenna, Ohio;

- (2) The chief deputy or designee should contact any media outlet or public person who has telephoned the Portage County Juvenile Court's Clerk's Office, if:
 - (a) The person identifies him/herself;
 - (b) The person provides a telephone number, and
 - (c) The person indicates they have an interest in attending an evidentiary hearing on closure, partial closure, or restrictions.
- (D) The evidentiary hearing on closure, partial closure, and/or restriction upon the use of the juvenile's, juvenile's parents or victim's name, address or photographing or videotaping, digital or otherwise, of the person on the campus of the Portage County Juvenile Court shall occur no later than 72 hours after the filing of the motion.
- (E) The evidentiary motion shall be decided by the guidelines provided in *State ex rel Plain Dealer Publishing Co. v. Floyd*, 111 Ohio St.3d 56, 2006-Ohio-4437. "In the absence of a qualified constitutional right of access to juvenile delinquency proceedings, these proceedings are neither presumed open nor presumed closed...a juvenile court may restrict public access to delinquency proceedings if, after hearing evidence and argument on the issue, the court finds that (1)there exists a reasonable and substantial basis for believing public access could harm the child or endanger the fairness of the adjudication, (2) the potential for harm outweighs the benefits of public access, and (3) there are no reasonable alternatives to closure. The burden establishing these factors ins on the party seeking closure of the delinquency proceeding."
- (F) Ohio Juvenile Rule 27 (A)(1) states that in serious youthful offender proceedings, hearing s shall be open to the public.
 - (1) A juvenile proceeding does not become a serious youthful offender proceeding until after adjudication or admission. Until that event, the Juvenile Court is not an open court;
 - (2) Pursuant to Ohio Revised Code 2152.13 (C)(1), once a child is indicted or charged by information, or the court at a preliminary hearing determines a child is eligible for a serious youthful offender dispositional sentence, the child is entitled to an open and speedy trial. This a child may elect to waive the child's right to an open court and upon election the qualified right to constitutional access ceases.
- (G) If access is permitted, the Judge or Magistrate presiding at the trial or hearing shall permit broadcasting or recording by electronic means and the taking of photographs in court proceedings open to the public as provided in Sup. R.12. The Judge, after consultation with the media, shall specify the place or places in the courtroom where the operators and equipment are to be positioned. Requests for permission for the broadcasting, televising, recording or taking of photographs in the courtroom shall be inn writing and written permission of the Judge required by Sup. R. 12(A) shall be

made a part of the record of the proceedings. Such requests shall be made within a reasonable time before any scheduled proceedings.

(H) Permissible Equipment and Operators:

- (1) Use of more than one portable camera (television videotape or movie) with one operator shall be allowed only with the permission of the judge;
- (2) Not more than one still photographer shall be permitted to photograph trial proceedings without permission of the Judge. Still photographers shall be limited to two cameras with two lenses for each camera;
- (3) For radio broadcast purposes, not more than one audio system shall be permitted in court. Where available and suitable, existing audio pickup systems in the court facility shall be used by the media. In the event no such systems are available, microphones and other electronic equipment necessary for the audio pickup shall be as inconspicuous as possible, but must be visible;
- (4) Visible audio recording equipment may be used by news media reporters with prior permission from the Judge;
- (5) Arrangements between or among media for “pooling” of equipment shall be the responsibility of the media representatives authorized to cover the proceedings. Such arrangements are to be made outside the courtroom and without imposing on the Judge or court personnel. In the event disputes arise over the arrangements between or among media representatives, the jurist shall exclude all contesting representatives from the proceedings;
- (6) The use of electronic or photographic equipment which produces distracting sound or light is prohibited. No artificial lighting other than that normally used in the courtroom shall be employed;
- (7) Still photographers, television and radio representatives shall be afforded a clear view, but shall not be permitted to move about in the courtroom during proceedings from places where they have been positioned by the jurist, except to leave or enter the courtroom;
- (8) The changing of film or record tape in the courtroom during proceedings is prohibited.

(I) Limitations.

- (1) There shall be no audio pickup or broadcast of conferences conducted in a court facility between attorneys and clients or co-counsel or of conferences conducted at the bench between counsel and the jurist;
- (2) The jurist shall inform victims and witnesses of their right to object to being filmed, videotaped, recorded or photographed and objects, if any, shall honored by the media;
- (3) There shall be no filming, videotaping, recording, broadcasting or taking of photographs of jurors;
- (4) This rule shall not be construed to grant media representatives any greater right than permitted by law wherein public or media access or publication is prohibited, restricted or limited.

(J) Revocation of Permission.

Upon the failure of any media representative to comply with the conditions prescribed by the Judge or the Superintendence Rules of the Supreme Court, the jurist may revoke the permission to broadcast or photograph the trial or hearing.

(K) Amendments.

Any future amendments to either Sup. R.12 are incorporated herein and, to the extent that such amendments conflict with this rule they shall take precedence.

LOCAL RULE 40 MEDIATION

UNIFORM MEDIATION ACT AND DEFINITIONS

40.01 The R.C. 2710 “Uniform Mediation Act” (UMA), including all definitions found in R.C. 2710.01, are incorporated by reference and adopted by this court through this local rule.

CASES ELIGIBLE FOR MEDIATION

40.02 Unless otherwise noted, the court has discretion to encourage parties to use mediation in any civil action filed in this court. A case may be submitted to mediation as provided in this rule. The court may issue an Order on its own motion, upon recommendation of a case manager, upon the motion of counsel, upon the request of a party, or upon referral by the mediator.

40.03 Exceptions-Mediation is prohibited in the following:

- (i) As an alternative to the prosecution or adjudication of domestic violence;
- (ii) In determining whether to grant, modify or terminate a protection order;
- (iii) In determining the terms and conditions of a protection order;
- (iv) In determining the penalty for violation of a protection order.

40.04 Nothing in this division shall prohibit the use of mediation in a subsequent custody case, even though the case may result in termination of the provisions of a protection order; or in a juvenile delinquency case, even though the case involves juvenile-perpetrated domestic violence.

CONFIDENTIALITY

40.05 Except as provided in sections 121.22 and 149.43 of the Revised Code, mediation communications are confidential to the extent agreed by the parties or provided by other sections of the Revised Code or rules adopted under any section of the Revised Code. Parties desiring confidentiality of mediation communications shall advise the mediator as soon as practical and all mediation participants shall execute any confidentiality agreement prior to the start of mediation.

- 40.06 By participating in mediation, a nonparty participant, as defined by R.C. 2710.01(D), submits to the Court's jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule as are attributed to parties, except that no evidence privilege shall be expanded.

REFERRAL TO RESOURCES

- 40.07 The court staff shall maintain resources for mediation parties, including victims of and suspected victims of domestic violence, encouraging appropriate referrals to legal counsel and other support services such as Children's Services, domestic violence prevention, counseling, substance abuse, and mental health services.

REFERRALS TO MEDIATION

- 40.08 The Judge, Magistrate or Case Manager may refer a case for mediation at any point in the case. Any party may request to participate in mediation by filing a motion or joint motion with the court, or by making an oral request for referral to mediation on the record.
- 40.09 Any matter being considered for mediation shall be screened by the Case Manager to determine if domestic violence is alleged, suspected or present. The Case manager shall address the concerns and considerations set forth in Sup.R. 16.24(A)(1)(e)(i)-(v).
- 40.10 If the Case Manager determines the case involves domestic violence this determination shall be provided to the court. If the court determines it is in the best interest of the parties to participate in mediation, the court shall make specific findings of fact to support its determination pursuant to O.R.C. 3109.052. These findings of fact shall be made part of the court file.

NOTIFICATION OF MEDIATION

- 40.11 The mediator shall file a notice to the court that a mediation is occurring in the case, including the time and place for mediation, and this notice shall be distributed to all parties and custodians.

MEDIATORS

- 40.12 Each prospective mediator shall submit proof to the court of compliance with Sup.R. 16.20-16.25 no later than January 31st of each year.
- 40.13 Upon appointment as a mediator, the mediator shall make an inquiry into and disclosure of any possible conflict(s) which may affect the mediator's impartiality, pursuant to O.R.C. 2710.08 (A) and (B).
- 40.14 Any party may submit to the court any comments or complaints regarding the mediator. Upon receipt of the comment or complaint, the Case Manager shall forward the

submission to the mediator. The Case Manager may forward the submission to the Judge for consideration and appropriate action. If forwarded to the Judge, any disposition shall be promptly made by the Judge and forwarded to the mediator and the person making a comment or complaint.

- 40.15 The court shall maintain a record of all comments and complaints of a mediator, including the disposition of same.

MEDIATION AGREEMENTS

- 40.16 Mediation Agreements may be reviewed by an attorney and will not be approved and adopted by the Court until a hearing on the matter pursuant to Local Rule 11, or if both parents are represented by counsel and both parties and their counsel have signed a proposed agreement.

LOCAL RULE 41 COURT ORDERED REPORTS

Any court-ordered reports, including a psychological evaluation/dispositional recommendation/screen, predispositional recommendation, substance abuse assessment, Department of Youth Services recommendation and detention evaluation shall be filed with the court at least fourteen (14) days prior to the scheduled hearing for which the report was ordered. The court may modify this time frame.

LOCAL RULE 42 JUVENILE DRUG COURT

The Portage County Juvenile Court has petitioned for approval of a specialized court to implement a program to address a juvenile's substance abuse, including drugs and alcohol. Upon approval, the program will provide a cost-effective alternative to traditional delinquent/unruly case processing. The Drug Court Program provides an intensive service delivery plan for its participants through a variety of community resources. This will be accomplished through a medical treatment, behavioral therapy, and court intervention standpoint.

ELIGIBILITY

- 42.01 Youth eligible for the program are delinquent youth that exhibit chemical dependency issues. The program consists of three (3) phases, including an aftercare component. The program generally lasts twelve (12) months, depending on the youth's needs and progress in the program. The Program requirements will be explained to the youth and his/her parent(s) or legal guardian(s).

COMPLETION OF PROGRAM

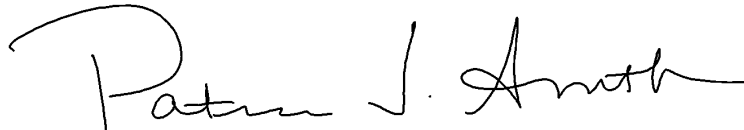
- 42.02 Upon successful completion of the Juvenile Drug Court Program, the original delinquent/unruly charge may be dismissed by the Juvenile Court Judge.

**PORTAGE COUNTY JUVENILE COURT
SCHEDULE OF COURT COSTS & PROGRAM FEES**

ORC Code	STANDARD COURT COST (Fund Designation)	TRAFFIC MOVING VIOLATIONS	TRAFFIC NON- MOVING VIOLATIONS	WAIVER OUT OF STATE	MISDEMEANOR CRIMINAL VIOLATIONS	FELONY CRIMINAL VIOLATIONS	ADULT CRIMINAL CASES	PRIVATE CUSTODY CASES
	Administrative Deposit	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$59.00
2303.20(A)(2)	Filing Documents	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$25.00
2101.16(A)(30)	Docket and Indexing	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$15.00
2303.20	Co. General Fund	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$15.00	\$0.00
2303.201	Juvenile Court IT Fund	\$10.00	\$10.00	\$10.00	\$10.00	\$15.00	\$15.00	\$0.00
2303.201(C)	Legal Aid Surcharge	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$15.00
2303.201(A)(1)	Legal Research Fund	\$6.00	\$6.00	\$6.00	\$6.00	\$6.00	\$6.00	\$6.00
2303.201(B)(1)	Computer Fund	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00	\$20.00
2303.201(E)(1)	Special Projects Fund	\$35.00	\$35.00	\$35.00	\$35.00	\$35.00	\$35.00	\$60.00
2743.70	State - Victims of Crime Reparations Fund	\$9.00	\$0.00	\$9.00	\$9.00	\$30.00	\$9.00	\$0.00
2949.091(A)(2)(a)	State - Indigent Defense Fund	\$20.00	\$10.00	\$20.00	\$20.00	\$30.00	\$20.00	\$0.00
2949.094(B)	Co. Juvenile Indigent Driver Alcohol	\$1.50	\$0.00	\$1.50	\$1.50	\$0.00	\$0.00	\$0.00
2949.094(B)	State - Drug Law Enforcement Fund	\$3.39	\$0.00	\$3.39	\$3.39	\$0.00	\$0.00	\$0.00
2949.094(B)	State - Indigent Defense Fund	\$5.00	\$0.00	\$5.00	\$5.00	\$0.00	\$0.00	\$0.00
2949.094(B)	State - Justice Program Service Fund	\$0.11	\$0.00	\$0.11	\$0.11	\$0.00	\$0.00	\$0.00
	TOTALS	\$125.00	\$96.00	\$125.00	\$125.00	\$151.00	\$120.00	\$200.00

DESCRIPTION FEE		DESCRIPTION FEE		DESCRIPTION FEE	
SHERIFF FEES	Varies	Witness fee (½ day)	\$ 6.00	Motion for Expungement	\$50.00
Assigned Counsel Fee	\$25.00	Witness fee (all day)	\$12.00	Court Cost - Additional charge	\$15.00
Copies	\$0.25/page	Mileage (per mile of service)	Varies	Appeals (deposit)	\$150.00
Certification of copies	\$1.00/ document			Seat Belt Driver	\$30.00
Certified mail	Actual Cost			Seat Belt Passenger	\$20.00
Publication	\$50.00/ notice			Seat Belt Violation Court Costs	\$25.00
Fax Transmission	\$2.00 + \$1.00/page			Motion for Driving Privileges	\$10.00

The foregoing schedule of fees and costs are hereby established by Order of this Court and made a part of the local rules of the Portage County Juvenile Court, effective as of February 28, 2022.



JUDGE PATRICIA J. SMITH

PORTAGE COUNTY COMMON PLEAS COURT
JUVENILE DIVISION
STANDARD IN-STATE PARENTING TIME SCHEDULE

Liberal companionship arrangements are encouraged, as contact with both parents is important to the minor child(ren). The best parenting time schedule is your own. All parties are strongly encouraged to develop their own plan. However, if the parents are unable to agree, the Court has designed this plan to ensure that the minor child(ren) has frequent and consistent contact with both parents.

Parenting time is a personal privilege granted by the Court to further develop the parent-child relationship. Parenting time is to be exercised for the benefit of the parent and child and not principally for the benefit of any third party. Abuse of the parenting time privilege may be grounds for later modification of those privileges.

The child and residential parent have no duty to await the other parent for more than thirty (30) minutes of the designated exchange time. If the non-residential parent is more than thirty (30) minutes late, the parenting time is forfeited.

Parents shall share the responsibility for transportation. Unless otherwise agreed, the parent receiving the child shall provide the transportation for the child for weekend and holiday companionship time. Unless otherwise agreed or provided by court order, the exchanges shall take place at each parent's residence. Unless otherwise agreed, for any weeknight companionship time, the non-residential parent shall be responsible for all the transportation.

I. WEEKEND AND MIDWEEK COMPANIONSHIP SCHEDULE

- A. For children from birth to twelve (12) months, one (1) weeknight from 5:30 p.m. until 8:00 p.m., and alternating Saturdays and Sundays, of the same weekend, from 10:00 a.m. until 6:00 p.m. each day. If the parties are unable to agree upon the weeknight day, it will be Wednesday.
- B. For children over twelve (12) months old, (1) weeknight from 5:30 p.m. until 8:00 p.m., and alternating weekends from Friday at 6:00 p.m. until Sunday at 6:00 p.m. If the parties are unable to agree upon the weeknight day, it will be Wednesday.
- C. Regardless of the age of the child, the Holiday Companionship Schedule shall have priority over the Weekend and Midweek Companionship Schedule.

II. HOLIDAY COMPANIONSHIP SCHEDULE

<u>Holiday</u>	<u>Even Year</u>	<u>Odd Year</u>	<u>Days & Times</u>
Martin Luther King Day	Father	Mother	9:00a.m.-6:00p.m.
President's Day	Mother	Father	9:00a.m.-6:00p.m.
Easter Sunday	Father	Mother	12:00 p.m-6:00 p.m.
Memorial Day	Mother	Father	Sunday at 6:00 p.m. to Monday at 6:00p.m.
Fourth of July	Father	Mother	July 4 at 9:00 a.m. to July 5 at 9:00 a.m.
Labor Day	Mother	Father	Sunday at 6:00 p.m. to Monday at 6:00p.m.
Thanksgiving	Father	Mother	Wednesday at 6:00 p.m. to Friday at 6:00 p.m.
	Mother	Father	Friday at 6:00 p.m. to Sunday at 6:00p.m.
Christmas Eve	Father	Mother	12/23 at 9:00 p.m. to 12/24 at 9:00 p.m.
Christmas Day	Mother	Father	12/24 at 9:00 p.m. to 12/25 at 9:00p.m.
New Years Day [Determined by year of January 1"]	Mother	Father	12/31 at 6:00 p.m. to 1/1 at 6:00 p.m.
Winter Break [does not alter holiday schedule] Shared equally by parties			6:00 p.m. day school ends to 6:00 p.m. day before school reconvenes
Spring Break Shared equally by parties			6:00 p.m. day school ends to 6:00 p.m. days before school reconvenes

(if the child is not of school age, the summer school recess for the school district in which the residential parent shall be used)

Mother's and Father's Day, and Mother's and Father's Birthday, with appropriate parent from 9:00 a.m. until 7:00 p.m.

Child's Birthday shall alternate from year to year between Mother and Father, with Mother having even-numbered years. All siblings shall be included in the birthday visitation

III. **SUMMER BREAK** (if the child is not of school age, the summer school recess for the school district in which the residential parent shall be used)

- A. Six weeks parenting time each summer.
- B. The parents shall give written notice of the vacation schedule at least 30 days in advance or no later than May 1st of each year.
- C. The non-residential parent shall have priority over the residential parent's schedule.
- D. Each parent is entitled to two (2) weeks in a row each summer without interruption.
- E. Each parent must provide the other parent with his/her vacation destination and telephone number, where he/she can be reached, times of arrival and departure, and method of travel.
- F. During the Summer Break, Child support shall abate by one half.

IV. **EXTRACURRICULAR ACTIVITIES**

The parent in possession of the child is responsible for making arrangements to allow the child to attend extracurricular activities the child is engaged in.

V. **SCHOOL INFORMATION**

The residential parent shall, in a timely manner, advise the non-residential parent of school related activities pertaining to the child/ren, including any open houses, parent-teacher meetings, assemblies, sporting events and extracurricular activities. The residential parent shall share any grade reports or concerns regarding the child's education and schooling.

VI. **CHANGE OF RESIDENCE - O.R.C. 3109.051(G)(1)**

Each parent shall keep the other parent notified of any change in address and/or telephone number. If the residential parent intends to move to a residence outside Portage County, he/she shall immediately file a Notice of Intent to Relocate with the Clerk of Courts and shall serve copies upon the Court, CSEA and the other parent. Notice shall be filed no less than thirty (30) days prior to the anticipated relocation, unless otherwise previously agreed in writing by the parties or ordered by this Court. If the parties cannot by written agreement agree that the move is in the best interest of the child(ren), then either the residential parent or nonresidential parent shall file a motion and schedule a hearing to revise the companionship schedule prior to relocating.

VII. **ACCESS TO RECORDS, DAY CARE AND ACTIVITIES- ORC 3109.051 (H), (I), (J)**

Each party is entitled, under the same terms and conditions under which access is provided to the residential parent, to access:

- 1. any school, health or agency records or reports that are related to the child {ren};
- 2. any child day care center that the child(ren) attend;
- 3. any student activity in which the child(ren) participate.

EFFECTIVE MARCH 14, 2016

AMENDED SEPTEMBER 23, 2016

**PORTAGE COUNTY COMMON PLEAS COURT
JUVENILE DIVISION
STANDARD OUT-OF-STATE PARENTING TIME
SCHEDULE**

Liberal companionship arrangements are encouraged, as contact with both parents is important to the minor child(ren). The best parenting time schedule is your own. All parties are strongly encouraged to develop their own plan. However, if the parents are unable to agree, the Court has designed this plan to ensure that the minor child(ren) has frequent and consistent contact with both parents.

Parenting time is a personal privilege granted by the Court to further develop the parent-child relationship. Parenting time is to be exercised for the benefit of the parent and child and not principally for the benefit of any third party. Abuse of the parenting time privilege may be grounds for later modification of those privileges.

The child and residential parent have no duty to await the other parent for more than sixty (60) minutes of the designated exchange time. If the non-residential parent is more than sixty (60) minutes late, the parenting time is forfeited. The sixty (60) minute time period can be extended upon the delayed parent contacting the other parent with an explanation for the delay.

Any transportation costs associated with the out-of-state parenting schedule shall be paid by the parent who moved out of the state of Ohio.

I. WEEKEND COMPANIONSHIP SCHEDULE

- A. One weekend every month. If the parties are unable to agree on the weekend, it will be the third (3rd) weekend of each month.
- B. The weekend companionship will be from Friday at 6:00 p.m. until Sunday at 6:00 p.m.

II. HOLIDAY COMPANIONSHIP SCHEDULE

<u>Holiday</u>	<u>Even Year</u>	<u>Odd Year</u>	<u>Days & Times</u>
Martin Luther King Day	Father	Mother	Friday preceding at 6:00 p.m. until Monday at 6:00 p.m.
President's Day	Mother	Father	Friday preceding at 6:00 p.m. until Monday at 6:00 p.m.
Easter Sunday	Father	Mother	Friday preceding at 6:00 p.m. until Monday at 6:00 p.m.

Spring Break	Father	Mother	6:00 p.m. day school ends until 6:00 p.m. day before school begins.
Memorial Day	Mother	Father	Friday preceding at 6:00 p.m. to Monday at 6:00 p.m.
Fourth of July	Father	Mother	July 3 at 6:00 p.m. to July 5 at 10:00 a.m.
Labor Day	Mother	Father	Friday preceding at 6:00 p.m. to Monday at 6:00 p.m.
Thanksgiving	Father	Mother	Wednesday preceding at 6:00 p.m. to Sunday at 6:00 p.m.
Christmas Eve/ Christmas Day/ Winter Break	Mother	Father	Divide Winter break equally with designated parent to have Christmas Eve and Christmas Day until 12/26 at noon.

Mother's and Father's Day, with appropriate parent, from Friday preceding at 6:00 p.m. until Sunday at 6:00 p.m.

Child's Birthday shall alternate from year to year between Mother and Father, with Mother having even- numbered years.

- III. **SUMMER COMPANIONSHIP SCHEDULE** (if the child is not of school age, the school recess schedule for the school district in which the residential parent resides shall be used}

The non-residential parent shall have four (4) consecutive weeks of parenting time each summer break week. It shall be arranged at least thirty (30) days before the start of the summer vacation. During that four week period, child support shall abate by one-half (1/2).

IV. **SCHOOL INFORMATION**

The residential parent shall, in a timely manner, advise the non-residential parent of school related activities pertaining to the child/ren, including any open houses, parent-teacher meetings, assemblies, sporting events and extracurricular activities. The residential parent shall share any grade reports or concerns regarding the child's education and schooling.

V. **CHANGE OF RESIDENCE - O.R.C. 3109.051(G){1}**

Each parent shall keep the other parent notified of any change in address and/or telephone number. If the residential parent intends to move to a residence outside Portage County, he/she shall immediately file a Notice of Intent to Relocate with the Clerk of Courts and shall serve copies upon the Court, CSEA and the other parent. Notice shall be filed no less than thirty

(30) days prior to the anticipated relocation, unless otherwise previously agreed in writing by the parties or ordered by this Court. If the parties cannot by written agreement agree that the move is in the best interest of the child(ren), then either the residential parent or nonresidential parent shall file a motion and schedule a hearing to revise the companionship schedule prior to relocating.

VI. ACCESS TO RECORDS, DAY CARE AND ACTIVITIES- ORC 3109.051 (H), (I), (J)

Each party is entitled, under the same terms and conditions under which access is provided to the residential parent, to access:

1. any school, health or agency records or reports that are related to the child(ren);
2. any child day care center that the child(ren) attend;
3. any student activity in which the child(ren) participate.

EFFECTIVE MARCH 14, 2016

**PORTAGE COUNTY COMMON PLEAS
COURT JUVENILE DIVISION
JUDGE PATRICIA J. SMITH**

Prior to filing any pleading(s) in the Portage County Common Pleas Court, Juvenile Division, you must review the following information.

1. Please be advised that when filing a Complaint/Motion with this court, you must comply with the Ohio Revised Code (ORC) and the Juvenile and Civil Rules of Procedure. Failure to do so can result in the Complaint/Motion being Dismissed and the loss of any filing fees.
2. Statutes and Rules which may apply in your case are:
Allocation of Parental Rights and Responsibilities - ORC 3109.04
Parenting Time/Companionship Rights-ORC 319.051/.12
Grandparent/Relative Companionship or Visitation Rights - ORC 3109.11/312
Parentage - ORC Chapter 3111
Child Support - ORC Chapter 3119
Contempt of Court- ORC Chapter 2705
Process/Summons/Service - Civil Rules 4-4.6
3. The above Statutes and Rules are examples only, other Statutes and Rules may apply.
4. **This Court cannot give you legal advice or instructions on how to prepare a legal document or legal advice regarding your rights, responsibilities and legal options.** Parties needing legal assistance should consult with an attorney or Community Legal Aid Services (330) 297-1569.
5. The Supreme Court of Ohio has established a website that may assist you with certain types of cases in properly preparing the necessary forms to address your legal issues.
www.supremecourt.ohio.gov/JCS/CFC/DRforms
<https://www.supremecourt.ohio.gov/JCS/courtSvcs/justiceAccess/resources/>

IN THE COURT OF COMMON PLEAS
JUVENILE COURT
PORTAGE COUNTY

IN RE:
DOB:

CASE NUMBER:

HEARING DATE:

JUDGE PATRICIA J. SMITH

HEARING TYPE:

MAGISTRATE:

CASE CONTACTS

ATTEMPTED CONTACTS UNSUCCESSFUL

READING OF RECORDS

VISITS

SITUATION OF CASE HISTORY

SUMMARY OF ACTIVITIES

WISHES OF CHILD

ASSESSMENTS

RECOMMENDATIONS

**IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
PORTAGE COUNTY**

IN RE: First name Last name
DOB:

CASE NUMBER:

HEARING DATE:

JUDGE PATRICIA J. SMITH

HEARING TYPE:

MAGISTRATE:

CASE CONTACTS

Date	Person's Name	Relationship to Child/ren
xx/xx/xx	Person's Name	Relationship to Child/ren

This section is a log of all successful contacts you have made throughout the entire case.

*These need to be in chronological order with your first contact ever made;
Phone call, email, or where you communicated with individual;*

Use full names except with foster parent(s).

Always refer to individuals as how they relate to child/ren.

For example: maternal aunt, paternal grandfather.

ATTEMPTED CONTACTS

Date	Person's Name	Relationship to Child/ren
xx/xx/xx	Person's Name	Relationship to Child/ren

This section is a log of all unsuccessful contacts made throughout the entire case.

These need to be in chronological order with your first unsuccessful contact.

READING OF RECORDS

Date Type of records (Court entries, motions, SARs, Case Plans, medical, School records,...)

This section is a log of all the records you have reviewed throughout the entire case;

This is not the place to list the information you discovered in the records.

VISITS

Date	Person's Name	Relationship to Child/ren
xx/xx/xx	Person's Name	Relationship to Child/ren

This section is a log of all the visits you have attended throughout the entire case.

These visits may take place in the child's placement, parent's home, JFS, foster home, school...

SITUATION OF CASE HISTORY

This GAL was appointed to the case on mm/dd/yy. On mm/dd/yy, JFS received a report regarding.....

This is a very brief description of what originally brought the case to court;

*Begin by listing your date of appointment;
Use only main points of the original complaint to write this section;
This is the only part of the report that will remain the same throughout the entire case.*

SUMMARY OF ACTIVITIES

First name, Last Name of Child, DOB:

For each child, summarize the following in this order:

*1st paragraph: discuss custody of the child from the beginning of the case to the current custody orders;
2nd paragraph: discuss the child's placement from the beginning of the case to current placement and the child's adjustment to the placements throughout the case;
3rd paragraph: discuss what services the child has been receiving from the beginning of the case to the current services the child is receiving and/or what services the GAL recommends;
4th paragraph: discuss the child's school, behavior in school, grades and improvement or changes regarding school from the beginning to current situations;
5th paragraph: discuss any medical or developmental issues or concerns, medication requirements and compliance, and current health status;
6th paragraph: discuss the child's visits with parents and siblings. How often, where, supervised, unsupervised. Describe the interaction and relationship between the child and siblings, child and parents and child and stepparent, and child and other relatives.*

First name, Last Name of Parent (designate parent of which child)

For each Parent, summarize the following in this order:

*1st explain all case plan objectives and any compliance, for **example:**
Mother's first case plan objective is to complete a drug and alcohol assessment and follow all recommendations made. Mother has completed the assessment and was required to submit to random drug screens...
Mother second case plan objective....

2nd discuss the parents' visits with the children. How often, where, supervised, unsupervised. Describe the interaction and relationship between the child and siblings, child and parents and child and stepparent, and child and other relatives.*

The purpose of this section is to provide a fact based overview of the condition, well-being, progress, strengths, weaknesses, and needs primarily of the children.

WISHES OF EACH CHILD

First name, Last name of Child, DOB:

State the wishes of the child/ren in terms of placement, or indicate if the child is not mature enough to make a statement.

ASSESSMENTS

At this time it is in the best interest of (child's name) to be placed in the custody of.....

*This section is a summary that puts it all together for the court;
Develop your reasoning to support your recommendations;
Provide the court with your independent view of what is in the best interest of the
child/ren.*

RECOMMENDATIONS

Make recommendations about custody, placement, any pending motions, parenting time (visitation), services for child/ren, services for parents, services for any third party care providers.

IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION

STATE OF OHIO)
)
COUNTY OF PORTAGE)

CASE NO.: _____

IN RE:

CONFIDENTIAL PLEADING
ORC 2151.424

NOW COMES, _____, Complainant, and provides the Clerk of the Portage County Juvenile Court with the following CONFIDENTIAL information concerning the certified foster caregiver, kinship caregiver, or the prospective adopting parent(s):

1.) Name: _____

2.) Address: _____

3.) Telephone #: _____

4.) Person(s) Status

_____ Certified foster caregiver(s);

_____ Kinship caregiver(s) or;

_____ Prospective adopting parents(s)

Date

Complainant

**IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
PORTAGE COUNTY, OHIO**

IN RE:

CASE NO. _____

A Minor

JUDGE PATRICIA J. SMITH

APPLICATION - CONSENT TO MARRY

[R.C. §§3101.04, 3101.041 and 3101.042; Juv. R. 42]

1. I, _____, born on _____, 20 __, and currently age __, desire to marry _____, who is age ____.
2. I reside at _____.
3. I am a resident of Portage County.
4. Parental consent is not required under R.C. §§3101.04, 3101.041, and 3101.042.
5. [Select one or more of the following]:

☐ I am employed and self-subsisting.

☐ I have become independent from the care and control of my parent(s), guardian, or other legal custodian.

☐ I have entered the armed forces of the United States.
6. I am not married and ☐ have never been married OR ☐ have been married.
7. I have the capacity of an 18 year old person as described in R.C. §3109.011.
8. I request that the Court appoint a guardian ad litem as required under §3101.041(B).

I file this application, free of force or coercion, and request that the Judge of this Juvenile Court give consent and approbation to the proposed marriage as provided for in R.C. §3101.04.

Type Name of Applicant

Sworn to and subscribed before me this ____ day of _____, 20 __.

Deputy Clerk, Notary Public

**IN THE COURT OF COMMON
PLEAS JUVENILE DIVISION
PORTAGE COUNTY, OHIO**

IN RE: _____
A Minor

CASE NO. _____

JUDGE PATRICIA J. SMTIH

**JUDGMENT ENTRY
CONSENT TO MARRY**
[R.C. §§3101.04 and 3101.041]

The Court having reviewed this Application – Consent to Marry; having consulted with _____ as required under R.C. 3101.041(A) regarding the proposed marriage; having appointed _____ as guardian ad litem for the applicant and having reviewed the recommendation of that guardian ad litem; having determined that the applicant is 17 years of age, and having found the following to be true [select one or more]:

- ☐ Applicant is employed and self-subsisting.
- ☐ Applicant has become independent from the care and control of Applicant's parent(s), guardian, or other legal custodian.
- ☐ Applicant has entered the armed forces of the United States.

The Court finds that: (i) the Applicant has the capacity of an 18 year old person as described in R.C. §3109.011; (ii) the Applicant is free from force or coercion, (iii) the intended marriage and the emancipation under R.C. 3101.042 is in the best interests of the Applicant; and (iv) the Application, filed by _____, is well taken, and this Court orders and gives consent to the marriage of _____ to _____ under R.C. 3101.04.

Dated: _____

JUDGE PATRICIA J. SMITH

CONSENT TO MARRY INFORMATION SHEET

Applicant:

Full Name: _____ Birth Date: _____ Age: _____

Current Address: _____
Street State County Zip Code

Telephone Number: _____

School or Employment Status: _____

Parent(s)/Guardian(s)/or Legal Custodian(s)

Full Name: _____ Relationship: _____

Current Address: _____
Street State County Zip Code

Telephone Number: _____

Full Name: _____ Relationship: _____

Current Address: _____
Street State County Zip Code

Telephone Number: _____

Date: _____

Applicant's Signature